

Massachusetts (Colony) General court.
House of representatives

Journals of the House of representatives
of Massachusetts. V. 3 1721-1722

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JOURNALS OF THE HOUSE OF REPRESENTATIVES
OF MASSACHUSETTS

VOLUME III

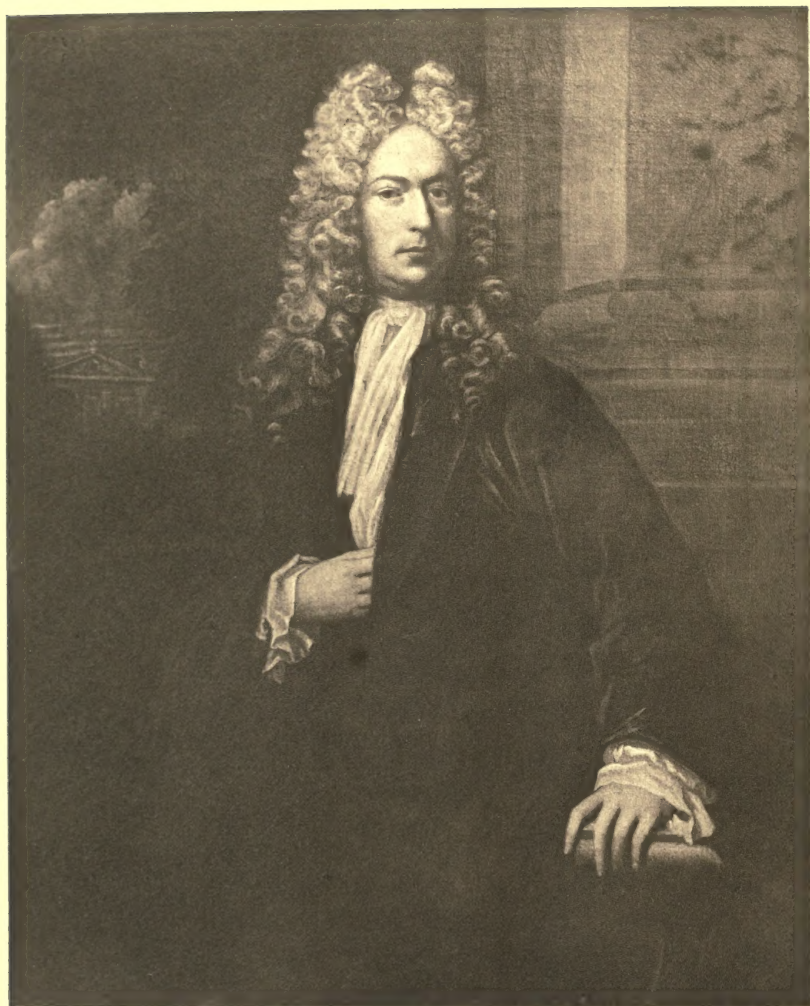
Committee of Publication

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HENRY CABOT LODGE

WILLIAM BRADFORD HOMER DOWSE

WORTHINGTON CHAUNCEY FORD



MHS

William Dummer
Lieutenant Governor of Massachusetts-Bay
From a portrait attributed to Sir Godfrey Kneller

JOURNALS

of the
House of Representatives
of Massachusetts

1721-1722

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Contents

INTRODUCTION	vii
GENERAL COURT, 1721	
First Session, May 31-July 20, 1721	3
GENERAL COURT, 1721-1722	
First Session, August 23-September 9, 1721	85
Second Session, November 7-November 17, 1721	136
Third Session, March 2-March 27, 1722	162
INDEX	215



Introduction

THE sessions of the General Court recorded in this volume were held in Boston, Charlestown and Cambridge, owing to the prevalence of small-pox in Boston and its gradual progression to neighboring towns. An attempt was made to meet at the George Tavern, on Boston Neck, but the inconvenient quarters and concourse of people with consequent fear of infection led to adjournment to Cambridge. There the body found a safe place in the house of Thomas Thompson, at the upper end of the town. Incidentally the disease led to friction between the House of Representatives and the Governor. For the House, in its haste to get away from the danger zone, sent up in an irregular manner to the Council the list of councillors chosen for the year, calling out a protest from the Governor.

Relations between the Governor and Council and the House were not entirely harmonious. In taking leave of the previous General Court the Governor had commented on its conduct in terms which seemed to reflect on the loyalty of the Representatives and on the whole body of the people.¹ The defence of the House suggested that some ill-minded persons had endeavored to create and maintain misunderstanding between his Excellency and the Assembly, misrepresenting to him the course of the House in its last session.² Such a report did not tend to improve relations, as is shown by the curt reply of the Governor to a question from the House — "He would take his own time for it."³ Later, when the House wished to know if he had accepted the newly-elected commissioners of excise, he replied: "That he had sent down Ten times, that he had the List under consideration. And, that he might as well send down to the House to know what they had done about his Salary. And that the House knew what they had before them."⁴ Nor did a statement by the House of the "constant and well-approved practice" of the House to have all acts, resolves, etc. of the Court "fully Compleat and issued before they enter upon Allowances, and Gratuities" convince the Governor. He told the House, however, to bring to an issue what matters were yet before it, and they might depend upon his signing everything before the Court rose.⁵ The House found in Dudley's administration a precedent in support of its position and again urged the Governor to proceed in the usual manner, trusting to proper arrangement of his allowance in due course.⁶ He remained of the same opinion and took advantage of an adjournment of the House without the knowledge or consent of the Governor, to characterise the "extraordinary proceeding" as "a breach upon his Magestie's Prerogative."⁷ In this he was correct and the House at once acknowledged its mistake in not acquainting the Board of its adjournment,⁸ but committed a technical error in not admitting that the sole power of adjourning, proroguing or dissolving the General Court was vested in the Governor. That

¹ Page 31.

² 38.

³ 46.

⁴ 67.

⁵ 69.

⁶ 72.

⁷ 75.

⁸ 78.

admission the Governor obliged it to make.¹ He retained his advantage by regarding the report on his speech to the last Assembly as a grievance and dissolved the General Court.² Not however before the House had taken measures for its own vindication in London by providing in a full House, that "all the Votes of this House in this present session, more immediately Relating to any misunderstanding or difference, that hath arisen between his Excellency and the House should be Prepared to be sent Home," to be laid before the King in Council.³

The new Court opened its sittings with little promise of harmony. The House wished to adjourn to Cambridge, the distemper still prevailing in Boston; the Governor refused to receive the message until he had approved the choice of Speaker. The House, confident in its authority, retorted that the Governor was notified of the choice of Speaker "for information only, and not Approbation."⁴ Approving the Speaker the Governor refused to consent to a removal to Cambridge, objecting to the form of the request or message, but would grant an adjournment to that place, if the Court desired it.⁵ He asserted his full power to "non-concur in the Choice of a Speaker, and all Elections,"⁶ submitting the opinion of the King's Attorney General, which had been approved by the Lords of Trade and Plantations.⁷ The charter was silent on the election of a Speaker and a law passed in 4 Will. & Mary directing that matter, gave power to the House.⁸ The House, resting on that ground, reviewed its controversies with the Governor;⁹ but that official was content to refer them to the home government,¹⁰ questioning an appropriation to be made for paying the expenses of an agent and thus opening a controversy which continued until the end of the session.¹¹ A speaker *pro tempore* the Board considered to be "not most agreeable to the Usage of this Court," but the House roundly asserted that the Board had "no reason to Question the Validity of any Act, Resolve or Vote of this House on that Head."¹² Affairs rested in this situation when on September 9 the General Court was prorogued until November. No further action appears to have been taken.

The eastern tribes of Indians proved troublesome, owing to the intrigues of the French in Canada. Hostages for good behavior had been taken and were kept in Castle William or Cambridge, supported by beaver skins paid by the Indians. Matters were brought to a head by a visit to Arrowsick of a large body of Indians, "marching under *French* colours, accompanied by two Jesuits," whence an insolent and menacing letter was sent to the Governor. The letter had been written by Père La Chasse but was signed by the Indian chiefs in due formality.¹³ As the

¹ Page 79.

² 81.

³ 80.

⁴ 87.

⁵ 88.

⁶ 89.

⁷ 91.

⁸ 107.

⁹ 96.

¹⁰ 108, 116, 120.

¹¹ 121, 124, 128, 131, 134.

¹² 132, 135.

¹³ Page 109. The original French version is in 2 *Collections*, viii, 259, where the totems are reproduced. There is a striking difference in the spelling of Indian names as given in the *Journals* (page 111 *infra*) and in the French letter, and neither are entirely correct. In the French version, where 8 represents *ou*, the names are: Narants8uk, Pentug8ct, Narakamig8, Anmiss8kanti, Muanbissek, Peg8akki, Medoktack, K8upahag, Pesmokanti, Arsikanteg8, 8an8inak, their allies, Iroquois of Santa, Iroquois of the mountain, Algonquins, Hurons, Mikemaks, "Montagnez" of the north side and Papinachois. (See p. 111 *infra*.)

threats did not affect the English the Indians in September burned some houses and attacked the fort. A force sufficient to punish the Indians for their open rebellion was directed to be raised and the arrest or delivery of Father Rale and St. Castine ordered. Should the Indians resist, the provincial troops were to "proceed to kill and destroy them by force of Arms, and waste as much of their Substance as they are able."¹ The full publication of letters from the Indian chiefs, the Governor of Canada and others give an historical value to these sessions, for the originals with a single exception have long since disappeared.² In connection with the expeditions to the Eastern parts against the Indians may be considered the accounts of expenditures, the muster-rolls which were padded and the apparently illegal demand by some officers of money for discharge from service. Peace with the Moquois was maintained by a handsome present. St. Castine had a hearing and was released upon parole. Bomazeen, who had remained faithful to the English, received a present.

The neighboring colony of New Hampshire imposed duties on vessels from Massachusetts trading on the Piscataqua River.³ The House asserted the right of Massachusetts-Bay to navigate the river, a right acquired by purchase from the assigns of Sir Ferdinando Gorges and confirmed in the charter granted by William and Mary, and proposed that a breastwork be erected in Kittery to defend the river.⁴ Retaliatory duties were proposed, but the Governor believed he would be able to induce New Hampshire to take off its act.⁵ The question remained undetermined and in March, the House denied the Council's proposal to suspend the operation of the act imposing duties⁶ and submitted a statement of its case.⁷ A second cause of difference was in the disputed boundary line by which both Massachusetts-Bay and New Hampshire claimed the power to tax certain inhabitants of Salisbury, a situation intolerable to those who suffered under a double imposition or imprisonment and attachment of goods in the event of refusing to pay.

The tax problem was insistent as usual, for the supply of the treasury furnished an annual matter for difference. The problem involved the amount of bills of credit to be issued, the manner of distributing them among the various branches of expenditure, the fund based on excise, duties and taxes for their eventual payment, and the payment of rates in species or products at prices to be fixed by the General Assembly. The House stood stoutly for its right, claiming that it was only reasonable that those who granted the money should have the disposal of it, and on that point the dispute turned. The Council refused to be so limited, asserting that the restriction was "not only unnecessary, but dishonorable to His Majesties Council, and contrary to the Ancient and Laudable practice of the Government."⁸

The Governor submitted to the House additional instructions from the Lords

¹ Page 103, 117.

² In *The Jesuit Relations* (Thwaites), LXVII, these letters are printed from contemporary and official copies in the Public Record Office, London.

³ 13.

⁴ 19.

⁵ 122.

⁶ 167.

⁷ 207.

⁸ 155.

Justices on acts providing for striking and issuing bills of credit, on which the House asked explanations.¹ The reply was satisfactory. He also laid before it an opinion of the King's Attorney General approving his veto of the election of a Speaker.² On May 7, 1721, an act for "the better Regulating the Culling of Fish" passed in 1718, was disallowed by the King and Privy Council.³ Questions on the proper interpretation to be given to certain words in the royal charter of the Province prove the desire of the legislators to understand the limits of their power.⁴

The House of Representatives voted to discharge Jeremiah Dummer from his duty and trust as agent in London for Massachusetts Bay.⁵ The Council asked for the reasons which induced the vote, but the House regarded such a question as novel and unprecedented, to concede which would "tend to abridge the rights and privileges of this House."⁶ On its side the Council denied any such intention and expressed its desire for information.⁷ Receiving nothing which could explain the dismissal the Council unanimously refused to concur. The portrait of Jeremiah Dummer used as the frontispiece to this volume is attributed to Sir Godfrey Kneller.⁸

The votes of the House were printed during the sessions, under direction of the representatives of Boston,⁹ but the actual labor of preparing them for the press was performed by William Payne, Clerk of the House of Representatives. The exact edition cannot be determined, but one copy was given to each member of the House and another to the town he represented. Presumably a certain part of the edition was allotted to the Council and others. The pages show so many errors, some of which were important that the Governor and Council asked for greater attention to the printing and the House expressed its desire that "all proper care be had that the Votes be truly Printed."¹⁰ In March, 1722, a proposition to make a new impression of the laws of the Province became one to prepare a new and more perfect index to the laws. The proof-reading of the Journals still shows carelessness, and in one instance the error was so great as to be covered by a note of correction.¹¹

WORTHINGTON CHAUNCEY FORD

Boston, *January 27, 1922.*

¹ Pages 9, 17. ² 91. ³ 115. ⁴ 62. ⁵ 44. ⁶ 52. ⁷ 53.
⁸ A doubt has arisen on the identity of this portrait. Family tradition indicates that it represents Jeremiah, while expert evidence claims that it is William Dummer, the brother of the agent. The second portrait will appear in the next volume of Journals, and the doubt must remain unsolved for want of more definite information. The portrait of William Dummer at Dummer Academy, by similarity of features, seems to strengthen the family tradition.
⁹ 9. ¹⁰ 105, 132, 134. ¹¹ 178.

JOURNALS
of the
House of Representatives
of Massachusetts
1721-1722



VOTES

O F

The Honourable House of
Representatives.

O F

His Majesties Province of the ~~Massachusetts~~ Bay,

I N

New-England.

Begun and Held at Boston May 31. 1721.



Boston, Printed by Nicholas Boone, Printer to the
Honourable House of Representatives. 1721.



A
JOURNAL
Of the House of
Representatives.

At a Great and General Court or Assembly of His Majesties Province of the *Massachusetts-Bay*, in *New-England*, Begun and Held at *Boston*, upon Wednesday the 31st Day of *May*, Anno, 1721.

THE Honourable *Samuel Sewall*, *Thomas Hutchinson* and *Thomas Fitch*, Esqrs, came down from the Council Board, and acquainted the House, That they were Appointed by his Excellency the Governour, That this House should take the Oaths, Make and Subscribe the Declaration; Take and Subscribe the Oath of Abjuration (as by the *Royal Charter* of this Province is Directed) before them: Which was done by all the Members present; and then they withdrew.

Then the House proceeded to take a List of the Names of the Persons returned to Serve for, and Represent the several Towns, which are as followeth.

Boston. { *JOHN CLARKE* Esqr.
 { *Elisha Cooke* Esqr. (*Spea*.
 { *Mr. William Clarke*
 { *Wm. Hutchinson* Esqr.
Roxbury, *Wm. Dudley* Esqr.
Dorchester, *Col. Robert Spur*
Milton, *Mr. Ephriam Tucker*
Brantery, *John Quincey* Esqr.
Weymouth, *Mr. John Torrey*
Hingham, *Mr. Nath. Hubbard*
Dedham, *Mr. Joseph Ellis*
Medfield, *Mr. Henry Adams*
Medway, _____
Mendon, *Mr. Thomas Sanford*
Hull, _____
Wrentham, *Mr. Robert Ware*
Woodstock, _____
Bellingham, _____
Brooklin, _____
Needham, _____
Oxford, *Capt. Richard Moor*
Salem, { *Daniel Epps* Esqr.
 { *Capt. John Gardner*
Ipswich, { *John Wainwright* Esqr.
 { *Mr. Nath. Knowlton*
Lynn, *Mr. Richard Johnson*.

Newbury, *Mr. Nathaniel Coffin*.
Marblehead, *Mr. William Stacy*
Beverly, *Capt. Jos. Herrick*
Wenham, *Mr. John Got*
Topsfield, *C. Tobij. Perkins*
Andover, *Benja. Stevens* Esq.
Bradford, *Mr. Sam. Tenny*
Haverhil, *Mr. Joh. Sanders*
Boxford, *Mr. Joseph Hale*
Rowley, *Mr. Tim. Harris*
Salisbury, *Mr. Isaac Morrill*
Amsbury, *Capt. John Foot*
Glocester, *Mr. Sam. Stevens*
Manchester, _____
Cambridge, *Col. Spen. Phips*
Charlstown, { *Mr. Eb. Austin*
 { *Mr. Joh. Rand*
Watertown, *Mr. S. Stearns*
Newton, *Mr. Eben. Stone*
Sudbury, *Mr. John Rice*
Marlborough, *Capt. P. Rice*
Sherbourn, *Mr. John Death*
Westborough, _____
Lancast. { *J Houghton* Esqr.
 { *Mr. Jab. Fairbank*
Framin. *Col. J Buckminster*

Groton, *Capt. John Shepley*
Concord, *Mr. Wm. Wilson*
Chelmsf., *Mr. Stephen Pierce*
Billerica, *Mr. George Brown*
Woburn, *Mr. Daniel Pierce*
Reading, *Mr. Wm. Bryant*
Malden, *Capt. John Dexter*
Lexington, *Mr. Tho. Blogget*
Dunstable, _____
Weston, *Mr. Josiah Jones*
Dracut, _____
Medford, _____
Worcester, _____
Stow, *Mr. John Whitman*
Littleton, _____
Leicester, *John Meinzeis* Esqr.
Rutland, _____
Springfield, *Mr. Jo Stebbins*
N. Hampton, *Jos. Parsons* Esqr.
Hadley, *Mr. Luke Smith*
Hatfield, *Mr. John. Dickinson*
Westfield, *Mr. Samuel Ashley*
Suffield, _____
Enfield, _____
Deerfield, *Mr. Sam Barnard*
Brookfield, *Mr. Jos. Jenkins*.

Sanderland, _____
Northfield, _____
Plymouth, Mr. John Foster.
Scituate, Mr. James Cushing
Marshfield, Mr. Jonathan Eames
Duxbury, Capt. John Alden [2]
Bridgewater, Mr. Rich. Davenport
Rochester, Samuel Prince Esq ;
Middleborough, Mr. John Bennet
Plympton, Mr. Benoni Lucas
Pembroke, Mr. Francis Barker
Abington, _____
Barnstable, Shubal Gorham Esq ;
Sandwich, Mr. Samuel Jennings
Tarmouth, Capt. Eben. Haws

Eastham, Mr. Samuel Knowles
Harwich, Mr. Thomas Clark
Truro, Mr. John Snow
Chatham, _____
Bristol, Capt. William Throop
Taunton, Mr. James Leonard
Swansey, Mr. Joseph Winslow
Rehoboth, Mr. Jathiel Peck
Little Compt. Mr. J. Davenport
Dighton, Mr. David Walker
Tiverton, Mr. Joseph Taber.
Attleborough, Mr. Da Freeman
Norton, Capt. Sam. Brentnel
Barrington, _____
Dartmouth, Mr. Philip Taber

Freetown, Mr. Nicholas Mory
Edgartown, Enoch Coffin Esq ;
Chilmark, {
Tisbury, { Zach. Mayhew, Esq ;
Sherburn on {
Nantucket { Geo. Bunker Esq ;
Tork, Mr. Samuel Came.
Kittery, Mr. John Dennet
Berwick, Capt. Elisha Plaisted
Wells, Mr. Francis Sawyer
Falmouth, _____
Biddisford, Mr. Pendleton Fletcher
George Town, Joh Penhalow Esq ;

The House proceeded to bring in their Votes for a *Speaker*, which being Examined, it appeared that *John Clarke* Esqr. was Chosen by the Major part of the Votes; and was accordingly Conducted to the Chair.

The House proceeded to the Election of a *Clerk* by written Votes, which being Examined, it appeared that *William Payne* Esqr. was Chosen by a Major part of the Votes, and was sent for to attend the House.

Voted, That *William Hutchinson* Esqr. Major *John Quincey* and *William Dudley* Esqr. be a Committee to acquaint his Excellency the Governour and the Honourable Board; That *John Clarke* Esqr. is Chosen *Speaker* of the House, and is now sitting in the Chair.

Post Meridiem.

A Message by Mr. *Secretary*, that his Excellency desired the House to attend him in the Council Chamber, and while the House was preparing to go up, a second Message came by Mr. *Secretary*; That his Excellency accepted the Choice of the *Speaker*, and that he did not expect the attendance of the House.

The *Clerk* of the House, was Sworn by the *Speaker*, Faithfully to discharge the Office and Duty of Clerk to the House, according to the best of his Skill and Knowledge.

Voted, That *Daniel Epps*, *John Chandler* Esqrs. and Capt. *Gardner*. be a Committee to inform the Honourable Board, that this House is ready to proceed to the Choice of Counsellours.

Voted, That Mr. *Nathaniel Coffin* and *Elisha Cooke* Esqr. go up to the Board and inform them, that the Votes of this House for the *Eighteen* Counsellours are ready.

Voted, Mr. *William Clarke*, *Elisha Cooke*, *William Dudley*, *William Hutchinson*, & *John Chandler* Esqrs. be a Committee to carry up the Votes of this House for Counsellours, and assist in Sorting and Counting them, together with the Votes of the Board, and Report to the House the several Elections that shall be made from them. [3]

The said Committee carried up the Votes of the House, for *Eighteen* Counsellours that are Inhabitants or Proprietors, of the Territory formerly called the *Massachusetts Bay*, and Reported, that *Eighteen* Counsellours were Chosen by the Major part of the Votes, viz.

William Tailer, Esqr.

Samuel Sewall, Esqr.

Penn Townsend, Esqr.

John Appleton, Esqr.

Samuel Partridge, Esqr.

Edward Bromfield, Esqr.

Thomas Noyce, Esqr.

Nathaniel Norden Esqr.

Benjamin Lynde, Esqr.

Addington Davenport, Esqr.

Thomas Hutchinson, Esqr.

Samuel Brown, Esqr.

Thomas Fitch, Esqr.

Adam Winthrop, Esqr.

Jonathan Dowse, Esqr.

Samuel Thaxter, Esqr.

John Burril, Esqr.

John Turner, Esqr.

The said Committee carried up the Votes for *Four* Counsellours, that are Inhabitants or Proprietors of Land within the Territory formerly called *New-Plymouth*, and Reported, that *Four* were Chosen by a Major part of the Votes, viz.

Nathaniel Byfield, Esqr.

Isaac Winslow, Esqr.

John Cushing, Esqr.

John Otis, Esqr.

The said Committee carried up the Votes for *Three* Counsellours, that are Inhabitants or Proprietors of Land, within the Territory formerly called the Province of *Main*, and Reported, that *Three* were Chosen by a Major part of the Votes, viz.

John Wheelwright, Esqr.

Charles Frost, Esqr.

Joseph Hammond, Esqr.

The said Committee carried up the Votes for *One* that is an Inhabitant or Proprietor of Land, lying within the Territory between *Sagadehock & Nova Scotia*, and Reported, that *One* was Chosen by a Major part of the Votes, viz.

Paul Dudley, Esqr,

The said Committee carried up the Votes, for *Two* Counsellours that are Inhabitants or Proprietors of Land, in any part of the Province, and Reported that *Two* was Chosen by a Major part of the Votes. viz.

Edmund Quincey, Esqr. and Spencer Phipps, Esqr.

Ordered, That *William Dudley, William Hutchinson, and John Chandler Esqrs.* be a Committee, to wait on his Excellency the Governour, and desire him to Adjourn the House to *Cambridge*, by reason several People in *Boston*, are visited with the Small Pox.

Then the House Adjourned till to Morrow Morning Nine a Clock.

Jovis Die 1 Junii. 1721. A. M.

O*rdere*d, That the Representatives for the Town of *Boston*, Wait on the Reverend Mr *Samuel Moodey*, to return him the Thanks of this House, for his Sermon Preached before his Excellency the Governour and this Court, in the Publick Auditory Yesterday, and to desire a Copy of it for the Press.

Ordered, That Mr. *William Stacey*, Mr. *William Clarke*, and *William Dudley*, Esqr. be a Committee to carry up the List of Counsellours Chosen for the Year Ensuing, and present the same to his Excellency. [4]

Then the House proceeded to Examine the Returns of the Precepts from the several Towns, and Passed thro' them.

Some Obejections being made against the Return from *Woodstock*, and Debate had on the Election of *John Chandler*, Esqr.

Resolved, That *John Chandler*, Esqr. does not Sit right in this House, there being two Returns on the Precept, and that a New Precept be Sent to the Town of *Woodstock*.

A Message by Mr. *Secretary*, that he was Ordered to Return the List of Counsellours, because it was not Sent up after the Usual Form.

Some Objections being made against the Return from *Brookline*, and a Petition from several of the Town against it.

Resolved, That the Choice at *Brookline*, is Irregular, and that Mr. *Edward White*, does not Sit right in this House.

Post Meridiem.

A Message from his Excellency by Mr. *Secretary Willard*, To acquaint this Honourable House; That since the General Assembly went thro' their Election of Twenty Eight Counsellours Yesterday, for the Year Ensuing, His Excellency expected by this time, to have Received a Message from the House, acquainting him therewith, in order for his Approbation or Consent, to be Signified in Writing, according to the constant method of the General Assembly for Twenty Eight Years last past, and founded on the *Royal Charter*. That his Excellency was surprized to have a List of Counsellours Sent up this Morning, without any Vote or Message accompanying it, and therefore sent it back again, that so the Honourable House may consider how proper and safe it is for them, to alter an Ancient Custom and Usage so well Founded. And further to acquaint the House, that his Excellency would not Insist on this matter, had it the least tendency to abridge the Liberties and Priviledges of the *Royal Charter*; That His Majesties Council are also of the same opinion, & that the Ancient Usage of this Court should be kept to, that so there may be no difference in the General Assembly on this occasion.

Upon Reading the above Message from his Excellency, referring to the List of Counsellours Sent up in the Morning, This House considering the Distemper in the Town, and being desirous the Court should be forthwith Removed to *Cambridge*, are willing to Send up the List after the Usual Form; Saving their Right to Assert their Priviledges at a more convenient time.

Ordered, That Mr. *William Stacey*, *William Dudley*, Esqr. and Mr. *William Clarke* wait on his Excellency the Governour, with the List of Counsellours or Assistants newly chosen for the Year Ensuing, for his Excellencies Approbation of the Persons therein named, to be given in Writing under his Hand.

Sent up .

The Orders of the House were Read, and Ordered to be the Rules observed by this House, during their Session and Sessions.

Ordered, That Mr. *William Wilson*, Mr. *Ebenezer Stone*, & Mr. *Stephen Peirce*, be the Monitors of the House, to take care that the Orders of the House be duly observed.

A Message by Mr. Secretary *Willard*, with the Return of the List of Counsellours. Signed by his Excellency, as follows.

I consent to this Choice, excepting Nathaniel Byfield, Esqr.

SAMUEL SHUTE.

Ordered, That a Precept be sent to the Town of *Cambridge*, to Chuse another Representative in the place of Col. *Spencer Phipps*, who is Sent up to the Council.

A Message from the Board by Mr. Secretary *Willard*, That his Excellency expects this Honourable House to come up to the Board.

Mr. *Speaker* and the House went up, and Mr. Secretary *Willard*, by his Excellencies Command Adjourned the Court to meet at *Cambridge*, in the County of *Middlesex*, on *Tuesday*, the Sixth Day of *June* Currant, at Ten of the Clock in the Forenoon. [5]

JOURNAL

Of the House of Representatives.

At a Great and General Court of Assembly of His Majesties Province of the *Massachusetts-Bay*, in *New-England*, Begun and Held at *Boston*, upon Wednesday the 31st Day of *May*, Anno, 1721. And continued by Adjournment to *Cambridge*, in the County of *Middlesex*, unto Tuesday the 6th Day of *June* following; and then Met.

Cambridge, Martis 6 Die Junii. 1721.

A Petition Signed by sundry of the Inhabitants of *George Town*, setting forth, that *John Penhallow* Esqr. was not duly Elected their Representative, for Reasons therein Assigned, was Read, and a Debate thereon being had, and the Precept of *George Town*, duly considered.

Resolved, That *John Penhallow* Esqr. was not duly Elected, and therefore has no right to set in this House, as a Member of it.

Ordered, That *Elisha Cooke* Esqr. Mr. *Ebenezer Stone*, Capt. *John Gardner*, and *William Hutchinson* Esqr. be a standing Committee for Petitions, during the Sessions of this Court.

A Message by Mr. Secretary *Willard*, that his Excellency directs this House forthwith to attend him in the Council Chamber.

Mr. *Speaker*, and the House went up accordingly, and his Excellency made a Speech to the Court, whereof Mr. *Speaker* obtained a Copy, and with the House returned to their own Chamber.

His Excellency the Governours SPEECH.

Gentlemen,

Having very lately Received an Additional Instruction from His Majesty, Relating to the Emitting of the Bills of Credit I shall Communicate to you as being a matter of great concern, both to the Government and Trade of the Country.

And since it has pleased Almighty God, in his Holy Providence [6] so to order it, that the Sessions of the General Assembly, is Held at Cambridge and not at Boston, as it Used to be, I hope you will the sooner go thro' the necessary affairs of the Govern-

ment; Wherein, as you shall not want my concurrence and assistance, so I shall depend on your ready and chearful Support & Encouragement.

Ordered, That the Votes of this House, during the Sessions of the Court be Printed, One for each Member of the House, and another for the Town he Represents, and that the Representatives of *Boston*, have the care of Printing them.

Mr. Secretary *Willard*, brought down his Excellencies Additional Instruction, which was Read to the House, and is as followeth.

By the Lords Justices.

William, Cant.
Parker.
Townshend.
Hollis.
New Castle.
Devonshire.
J. Craggs. S.

Additional Instructions to Samuel Shute, Esqr. His Majesties Capt. General and Governour in Chief, of His Majesties Province of the *Massachusetts Bay*, in America, or to the Commander in Chief of His Majesties Province of the *Massachusetts Bay*, for the time being. Given at Whitehall, the 27th of September, 1720. in the Seventh Year of His Majesties Reign.

WHereas Acts have been Passed in some of His Majesties Plantations in America, for Striking Bills of Credit, and Issuing out the same, in order to discharge their Publick Debts, and for other purposes, from whence several Inconveniencies have arose.

It is therefore His Majesties Will and Pleasure, That for the future you do not give your assent to, or pass any Act in His Majesties Province of the *Massachusetts Bay* under your Government; whereby Bills of Credit may be Struck or Issued in lieu of Money, or for payment of Money either to you the Governour, or to the Commander in Chief, or to any of His Majesties Council, or of the Assembly of the *Massachusetts Bay*, or to any other person whatsoever, without a clause be inserted in such Act, declaring that the same shall not take effect, until the said Act shall have been approved and confirmed by his Majesty: Except Acts for raising and settling a Publick Revenue for defraying the necessary Charge of Government of the said Province of the *Massachusetts Bay*, according to the Instructions already given you.

By Their Excellencies Command.

Ch. Dla Faye.

Post Meridiem.

THe Petition of the Select men of *Middleborough*, Passed on December 3d, 1720. And referred to this time, being Read and put to Vote Whether the Petition be Granted.

It Passed in the Negative.

A Petition of sundry Inhabitants in the County of *Essex*, Praying for a Tract of Land on *Merrimack River*, Eight Miles square, extending from *Suncook* to *Cuntacook River*, on both sides of *Merrimack-River*. Read.

A Bill for dividing of Out-Lands. Read *December. 10, 1720.* And Referred to this Session, was Read, and being put to Vote, whether it shall have a 2d Reading. It passed in the Negative.

And then the House Adjourned till to Morrow Morning Nine a Clock.

Mercurii 8 Die Junii, 1721. A. M.

MR. *David Freeman*, was Excused for his absence.

Mr. *Joseph Tabor*, and Mr. *Phillip Tabor*, were Excused for their absence.

A Petition from sundry Inhabitants of *Brookline*, for a New Precept to be sent to them for Chusing a Representative, Read and

Resolved, That a Precept be sent to the Town of *Brookline*. [8]

A Bill for Granting to His Majesty an Excise, upon Wines, Liquors, &c. Sold by Retail. Read a first time.

A Petition of *John Houghton Esqr.* Mr. *Jabez Fairbanks*, and others, in behalf of the Inhabitants of *Lancaster*, for confirmation of Lands formerly Granted to the said Town. Read and

Ordered, That it be referred to the Committee for Petitions, and that *Francis Fullam Esqr.* and Mr. *Whitemore*, be ordered to meet the said Committee, and shew their Reasons why the Land was added to one of the Towns laid out near to *Groton*.

Mr. *Josiah Jones* was Excused for his Absence Yesterday.

The Petition of *John Wodden* of *Salem*, for confirmation of 150 Acres of Land formerly granted to his Father. Read and Committed.

Four Petitions of sundry Inhabitants on the East and West sides of *Sudbury River*, praying for a Settlement of a new Precinct on the West side of the said River. Read and Committed.

A Bill for Granting to His Majesty an Excise upon *Wines, Liquors &c.* Sold by Retail. Read a 2d time, and Voted Paragraph by Paragraph.

Post Meridiem.

The Petition of *Mary Sergeant*, of *Amsbury*, Widow, Praying to dispose of some Lands belonging to the Estate of her Husband deceased.

Read and dismiss.

Mr. Treasurer *Allen* was admitted into the House, Presented his Accounts for the Year past, and the present state of the Treasury, which was Read, and then he withdrew.

Mr. President *Leverett* was admitted into the House, and giving them an Account of a Donation bestowed on *Harvard Colledge*, by Mr. *Thomas Hollis*, Merchant in *London*, of *l. 160 Per Annum*. For a Professor of Divinity, and *Eleven poor Scholars &c.* And then withdrew.

Ordered, That *Elisha Cooke, William Dudley, William Hutchinson, Joseph Parsons Esqrs.* and Major *John Quincey*, be a Committee to Joyn with a Committee of the Board, in order to Return the Thanks of this Court to Mr. *Thomas Hollis*, for the Donation he has bestowed on *Harvard Colledge*, for the Promoting of Learning. Sent up.

Ordered, That Mr. *William Clarke*, Capt. *William Throop*, Capt. *John Gradner*, *John Wainwright Esqr.* and Mr. *Nathaniel Coffin*, be a Committee to Examine & Audit Mr. Treasurer *Allens* Accompts, and make Report thereof to the House.

Complaint being made against *Phillip Tabor*, a Member of this House, that he sat down in the House at the time of Prayer, & being asked by the *Speaker*, the Reason for it, he said he could not joyn with them in Prayer, when they called God our Father. Whereupon the House, [9]

Resolved, That *Phillip Tabor*, be Expelled this House, as not worthy to continue a Member of it.

Then the House Adjourned till to Morrow Morning Nine a Clock.

Jobis Die 8 Junii. 1721. A. M.

THe Precept sent to the Town of *Cambridge* was Returned, and Col. *Edmund Goff*, Chosen Representative, who was sent up to the Board to take the Oaths.

Mr. *John Foster*, Representative for the Town of *Plymouth*, came to the House and was Excused for his absence.

A Petition of sundry Inhabitants of the Town of *Worcester*, Praying the directions of this Court, for finishing their Meeting House, and Settling a Minister among them. Read.

A Petition from Capt. *Richard Kent* of *Newbury*, with sundry Copies from the Court of Sessions, Read, and sent up.

Capt. *Samuel Terry*, appearing for the Town of *Enfield*, and there being no Precept returned from said Town, he was dismiss. And

Ordered, That the Sheriff of the County of *Hampshire* be Directed to attend this House forthwith, and give them an account whether he has done his duty in that Service.

An Act for Granting to His Majesty an Excise upon Wines, Liquors &c. was Read the Third time, And

Resolved, That the Bill do Pass to be Enacted.

Sent up for Concurrence.

A Petition of the Town of *Mendon*, Praying for an Allowance of Land taken from their Town by Running the Line with *Providence*.

Read and Committed.

A Petition from the Select-men of the Town of *Sherbourn*, Praying for an Addition of 3700 Acres of Land, to be added to their former Grant of 7000 Acres according to the Platt Presented to the House.

Voted, That the said 3700 Acres of Land, be added to their former Grant of 7000 Acres, upon their Paying *Six-pence per Acre* into the Province Treasury in Six Months time, Provided it do not intrench upon any former Grant.

Sent up for Concurrence.

Mr. *Cooke*, from the Committee made Report *viz*.

Upon the Petition of *David Haynes*, and 63 other Inhabitants on the West side of *Sudbury* River, together with another Petition of *Edmund Brown*, and 16 Inhabitants on the same side of the River, for appointing [10] a suitable place to Erect a New Meeting House, on that side of the River in *Sudbury*, and a Method for maintaining the Ministry in the said Town;

Which was Read and Accepted, and is as follows;

The Committee are humbly of Opinion that there be a New Meeting House Erected, Built and Finished, upon the place assigned by the former Committee of this Court in *December, 1715*. on the West side of the River at a place called *Poplar-swamp*, on the West side of the said Gutter, and on the North side of *Sudbury* and *Lancaster* Road, between said Gutter and *Hart-pond*, and that the old Meeting House be put into good Repair, and that both be done at the Charge of the whole Town.

And we further Presume that it will greatly tend to the Peace and Tranquility of the Inhabitants of the Town of *Sudbury*; That the Ministers on both sides the River, be Maintained & Supported by a Town Tax. Accepted.

Sent up for Concurrence.

And upon the Petition of *William Jennison*, and *Ebenezer Rice*, in behalf of the Town of *Sudbury* Praying that several Farms adjacent to the Town of *Sudbury*, on the South side of the Town, between *Sudbury* and *Natick*, be added to the Township of *Sudbury* for ever, the several Inhabitants dwelling in those Farms being desirous to be joyned to the Town of *Sudbury*, and made a part of that Township.

The Committee Reported, that in their Opinion the Farms Petitioned for, be from henceforth Annexed to, and made part of the Township of *Sudbury*, and the Inhabitants thereof to Pay their Proportion to all Rates and Taxes, and Enjoy equal Priviledges with the rest of the Inhabitants of the Town of *Sudbury*.

Read, Accepted and Sent up for Concurrence.

Post Meridiem.

An Act for Removing the Court of General Sessions of the Peace, and Inferiour Court of Common Pleas, Appointed to be Held at *York* for the County of *York*, on the first *Tuesday* of *July* and *October*, to the Town of *Wells* in the same County.

Read a first time.

A Memorial of *Zechary Bicknel*, Representative of the Town of *Barrington*, desiring that the Hundred-acre Meadow, may be Rated to their Town. Preferred *March 22d 1720* and Referred to this Sessions, &c.

Read and dismiss.

A Petition of the Inhabitants of the Town of *Northampton*, Praying that a Tract of Land upon *Ahouse-tonick* River, may be given to them.

Continued from a Sessions of this Court in *November* last.

Read and dismiss.

A Petition of *John Austin*, in behalf of the Town of *Suffield*, continued from the Sessions of this Court in *November* last. Read and dismiss. [11]

The Memorial of *Jeremiah Allen*, Treasurer, Continued from the Sessions of this Court in *November* last.

Read & Referred to the Committee for Examining the Treasurers Accounts.

A Petition of Major *John Chandler*, for Taxing the Improved and Unimproved Lands in the Town of *Woodstock*, Referred to this Sessions.

Read and dismiss.

A Representation of several of the Members of this House belonging to the County of *Suffolk*, Praying for a Division of the County. Continued from the Sessions of this Court in *November* last. Read and dismiss.

Complaint being made by several Members of this House: That the Government at *New Hampshire*, still continue their unreasonable Imposition on the Vessels of this Province, That Trade up the River of *Piscataqua*.

Resolved, That *Elisha Cooke*, and *William Dudley* Esqrs. Mr. *Nathaniel Coffin*, Capt. *Samuel Plaisted*, and Col. *Edmund Goff*, be a Committee to Examine into the Abuses Committed by the Naval Officer of that Province, and make Report thereof,

A Proposal being offered by several Members of this House, That some proper Persons may be employed in this time of Peace, to Survey the several Frontier parts of the Country.

Resolved, That *Benjamin Stevens*, and *William Dudley* Esqrs. and Capt. *John Shepley*, be a Committee to Project the properest Methods for effecting it, and lay the same before this House.

A Petition of *William Man*, of *Boston* Braizer, Praying, that he may be Enabled to bring forward an Action *De novo*, against *John Guy* of *Branford*.

Sent down from the Board and Pass'd on there *June 8th 1721 viz.*

Ordered, That the Petitioner be allowed to bring in a Bill to Enable him to bring forward an Action or Writ of Review, at the Inferiour Court of Common Pleas, to be Holden at *Boston* for the County of *Suffolk*, &c.

Sent down for Concurrence Read and Concurred.

And then the House Adjourned till to Morrow Morning Nine a Clock.

Veneris Die 9. Junii 1721. A. M.

V*Oted*, That this House Reconsider the Petition of *Mary Serjeant* of *Amesbury*, for a power to dispose of some part of Land, belonging to the Estate of her Husband deceased. And the Question being put, Whether the Prayer of the Petition be granted, and the Petitioner bring in a Bill Accordingly: It passed in the Affirmative.

Sent up for Concurrence.

John Wheelwright Esqr. from the Board brought down a Petition of the Town of *Sherbourn*, passed on in this House, *June 8*. Sent up to the Board for Concurrence, with this Amendment, *viz.* In Council *June 8 1721*.

Read and Concurred, provided the Petitioners bring forward a Village or Settlement (according to their proposal) on the whole Tract, and within the space of Ten Years. Sent down for Concurrence.

Read and Concurred. [12]

A Petition Signed by Doctor *Cotton Mather*, *John Checkley*, &c. praying that this Court would order the Treasurer to Exchange several Counterfeit Bills signed by three Hands, which were lodged by them in the Treasury. Read and Dismist.

A Petition signed by *Pendleton Fletcher*, Representative of *Biddiford*, in the County of *York*; praying, that the *Forty Pounds*, allowed them towards the Support of their Minister the last year, may be continued to them one year longer. Read, Accepted, and sent up for Concurrence.

John Wheelwright Esqr. from the Board brought down the Petition of *Mary Serjeant* passed on in this House, and sent up to the Board for Concurrence, with an Amendment, *viz.* That the Land be subject to the Mortgage, made to the Commissioners of the 100000 *l.*

Sent down for Concurrence. Read and Concurred.

The Petition of some of the Inhabitants of the Towns of *Concord* and *Chelmsford*, praying to be set off from their respective Towns, & added to the Town of *Littleton*. Which was read in the House, *November, 20. 1720.* & deferred to this Session. *Resolved*, That the Towns of *Concord* and *Chelmsford* should be served with Copies of the Petition. Read and dismiss.

But inasmuch as the Representative of the Towns of *Concord* and *Chelmsford*, desired they might be set off to the Town of *Littleton*, so far as to pay the Charges of the Ministry in *Littleton*, till this Court shall order it otherwise.

Ordered, That the Petitioners be dismiss from the charge of the Ministry in *Concord* and *Chelmsford*, upon paying their proportion of their Charge to the Town of *Littleton*; and that the Assessors of *Littleton* be Impowered to Assess them accordingly. Sent up for Concurrence.

A Petition of 120 Inhabitants, in the County of *Essex*, praying for a parcel of Land lying on *Merrimack River*, between *Cuntacook* and *Suncook*, to be Grantad to them for a Township. Read and

Ordered, That Capt. *John Shepley*, Col. *Joseph Buckminster*, and Mr. *Joseph Winslow*, be a Committee to take an exact Survey of the Land on each side of *Merrimack*, between the Rivers of *Suncook* and *Cuntacook*, and lay the same into two Townships, if the Land be capable thereof, taking with them a Surveyor and Chain-men; & also that the said Committee view and report the quality and nature of the Land between *Dunstable* and that Land intended for the two Townships; and make their Report to this House the next Sessions.

The Petition of the Church and Select-men of the Town of *Swansey*, together with the Church and Select-men of the Town of *Barrington*, praying, that the Lands granted to the Church of *Swansey*, then under the care of the Reverend Mr. *John Myles*, and now divided between the Churches of *Swansey* and *Barrington*, by Agreement of the two Churches, may be ratified to each Church, according to their Agreement. Read, and the Question being put, Whether the prayer of the Petition be granted: It past in the Affirmative.

Sent up for Concurrence.

The Petition of *Thomas Mayo*, *Theophilus Mayo*, *Joshua Higgins*, *James Maker*, &c. praying, That a Deed of Conveyance made unto *Elisha Hedge*, *Samuel Smith*, *David Melvil*, &c. by *John Quason* and *Theophilus Quason*, Anno 1694. may be confirmed unto them. Read and Dismist.

John Wheelwright Esqr. from the Board, brought down the Vote of the Committee on the Petition of *David Haynes*, passed on in this House, and sent up [13] for Concurrence, which was passed on there as follows. In Council, *June* 9th. 1721. Read and Concurred, provided the Inhabitants on the West side have liberty to Call and Settle their own Minister.

Sent down for Concurrence.

Read and Concurred.

His Excellencies Additional Instructions from the Lords Justices, Dated at *Whitehall*, *September* 27. 1720. Were Read, Debated upon, and the House differed in their apprehensions, concerning the true meaning thereof.

Ordered, That *Elisha Cooke*, *William Dudley* Esqr. and Capt. *John Gardner*, be a Committee to wait on his Excellency the Governour, and desire his Explanation of them, that this House may know how to act thereon.

Sabbati 10 Die Junii. 1721. A. M.

SHubal Gorham Esqr. was Excused for his Absence.

Mr. *Thomas Clarke*, was Excused for his Absence.

A Bill Intituled, An Act, for Granting unto His Majesty an Excise upon *Wines, Liquors*, and other Strong Drinks.

Read and Passed to be Engrost.

Sent up for Concurrence.

A Message from his Excellency, by Mr. Secretary *Willard*, to desire that the House would inform him, wherein the difficulty of his Instructions consists, that he may be the better able to satisfie them about it.

Ordered, That the Committe which carried up the Vote to his Excellency, Referring to His Majesties Instruction, Prepare an Answer to this Message.

An Account of Mr. *John Dyer*, Treasurer of the County of *Plymouth*, for the Year 1720. Was Presented to the House.

Read and Allowed of

Sent up for Concurrence.

An Account of *Nathaniel Pain*, Treasurer of the County of *Bristol*, for the Year 1720. Was Presented to the House.

Read and Allowed of.

Sent up for Concurrence.

An Account of *John Pincheon* Esqr. Treasurer of the County of *Hampshire*, for the Year 1720, Was Presented to the House.

Read and Allowed of.

Sent up for Concurrence. [14]

A Proposal for Scouts to be employed in the *Eastern* Parts, to find out the Passages of the *Indians*. Read the first time.

Mr. *Clarke* from the Committee, for Auditing the Treasurers Accompts, made Report on the Memorial of *Jeremiah Allen*, Treasurer, viz. That *Thirty Five Pounds*, be paid him, in consideration of the Service mentioned in his Memorial.

Read.

Then the House Adjourned till Tuesday Morning Nine a Clock.

VOTES

Of the House of Representatives.

Martis Die 13. Junii. 1721. A. M.

A Proposal for Scouts to be employed in the *Eastern Parts*, to find the Passages between *Penobscot River*, and *Merrimack River*, &c. was Read the second time, debated upon. And *Ordered*, That Mr. *Samuel Came*, Col. *Edmund Goff*, and *Joseph Parsons Esqr.* be added to the former Committee, to Consult the properest Methods for it, and the number of Forces to be employed in the *Eastern Frontiers*.

The Committee appointed to prepare an Answer to his Excellency's Message by Mr. Secretary *Willard*, on the 10th Currant, made Report as follows,

Whereas this House on Saturday last, passed a Resolve, and sent it up to his Excellency the Governour, praying his Explanation of the Instructions to him from the Lord's Justices, touching his passing Acts, for the Striking or Issuing Bills of Credit, in lieu of Money; Whereupon his Excellency sent a Message to the House, by Mr. Secretary Willard, That he would have the House Inform him, wherein the difficulty of the Instructions consists. Now forasmuch as by the Instructions his Excellency is not to give his Assent to the passing Acts for the Striking or Issuing Bills of Credit in lieu of Money, or for payment of Money, either to himself or any of His Majesties Council, or Members of the Assembly, or to any other person whatsoever, without inserting a Clause in the said Act, as therein mentioned; and then comes the Exception, viz. (Except Acts for Raising or Settling a Publick Revenue, for defraying the necessary Charge of the Government, according to the Instructions already given) Whether by that Exception is meant, that the Governour may give his Assent to an Act or Order for Raising and Settling a Revenue, That is by fixing a Settled Sallary on himself, and other Officers of Government, without inserting the aforesaid Clause in the said Act; or what is given to his Excellency, or any other by way of Allowance as heretofore hath been accustomed: His Excellency is not to Assent to any such Order or Act of Allowance, without having the aforesaid Clause inserted, is uncertain to this House; and the Instructions referring to former Instructions, which this House has not been favoured with a sight of, and so cannot know the meaning thereof: Wherefore to prevent all misunderstanding, and to keep up, and maintain a good agreement and harmony between his Excellency and this House, they are desirous that his Excellency would be pleased to signifie to them, how he apprehends and takes those Instructions, as to his power of passing Acts for the Issuing of more Bills of Credit, in lieu of Money, or for payment of Money, for defraying the necessary

Charge of the Government. Read and Accepted, sent up to his Excellency the Governour, by Mr. *Cooke*, Col. *Dudley*, and Mr. *Epps*.

A Bill Intituled, An Act, *For Granting unto His Majesty, several Rates and Duties of Impost, and Tonnage of Shipping.* Read a first time.

A Petition of the Committee of the Town of *Brimfield*, praying Relief against the difficulties they meet with, in Laying out a Grant, &c.

Read. [16]

A Petition of sundry Inhabitants of the Town of *Brimfield*, praying, That they may have an equivalent allowed them for the Land they lost in running the Line with *Connecticut*. Read.

Post Meridiem.

The Precept returned from the Town of *Brookline*, by which it appeared that Mr. *Edward White* was chosen their Representative, who was sent up to the Board to take the Oaths.

A Petition of *Francis Gathman* of *Salem*, Chyururgeon, Praying, that this House would make him some allowance, for the time that he was in their service, when he was sent to be an Evidence against some of *Quelch's* Company, that were sent home for Piracy. Read.

A Petition of *Thomas Drury* Junior, of *Framingham*, Praying that he may have liberty to Erect a Griss-mill, on a stream called the falls in *Hasanamisco*, and for liberty to Purchase 120 Acres of Meadow from some of the Indians in that Town.

Read

Penn Townsend, and *Isaac Winslow* Esqrs. brought down the Bill, Intituled, An Act for Granting unto His Majesty an Excise upon *Wines, Liquors*, and other Srong Drink, Sold by Retail. Concurred with sundry amendmets, and the several amenendments being Read in the House, some were Agreed to, and others Non-concurred.

Sent up for Concurrence.

Voted, That Mr. *Samuel Came*, Col. *Edmund Goff*, and *Joseph Parsons* Esq. be added to the Committee for the Eastern Settlements.

Thomas Cushing Esqr. brought down from the Board a Petition of *Seth Smith*, Prison keeper of *Boston*, Praying for allowance to be Granted him, for keeping *Ovid Rushbrook* and *John Blin*, which was Read in the Council, and sent down, Recommended. Read.

And then the House Adjourned till to Morrow Morning Nine a Clock.

Mercurii 14 Die Junii. 1721. A. M.

An Act, *Intituled, An Act*, for Granting unto His Majesty, several Rates and Duties of Impost and Tonage of Shipping. Read a 2d time.

Elisha Cooke Esqr. from the Committee for Asserting the Right to *Piscataqua* River, made Report thereon, which was Read and Accepted by the House, is as follows.

Whereas King *Charles* the First, on the 3d Day of *April*, in the Fifteenth Year of His Reign, did Give, Grant and Confirm unto Sr. *Ferdinando Gorge*, his Heirs and Assigns, all that Part, Purport and Portion of the Main-Land of *New-England*, beginning at the Entrance of *Piscataqua* Harbour, and so to pass up the same into the River of *Newichewonack*, & thro' the same into the furthest head thereof, and from thence [17] Northwest-ward, until 120 Miles be finished; To HAVE and to HOLD the said Tract of Land and Premises, with all and Singular their Rights, Members and Appurtenances, unto the said Sr. *Ferdinando Gorge*, his Heirs and Assigns, to his and their only Use and Behoof for ever.

That some time after, the Governour and Company of the late Colony of the *Massachusetts-Bay*, Purchased the aforesaid Tract of Land and Appurtenances, with all the Rights and Members thereof, of the Assigns of the said Sr. *Ferdinando Gorge*, and *bona fide* Paid upwards of *Two Thousand Pounds*, for the Purchase Consideration. And the aforesaid Tract of Land, with all & Singular the Rights & Appurtenances thereto belonging, were confirmed to the Inhabitants of this Province, in the Grant of the Royal Charter by King *William* and Queen *Mary*, of Blessed Memory; and Incorporated with the Lands of the *Massachusetts-Bay*, and other Tracts put under the Government thereof.

Notwithstanding which, the Naval Officer of the Government of *New-Hampshire*, exacts and takes from the Inhabitants of this Province, unjust Duties or Impositions, for passing in their own Vessels in and thro' that side the River, tho' they neither take in or put out any sort of Goods, Wares and Merchandize within that Government; their business being chiefly to go to the Mills to Load the Produce of this Province, and Transport it to *Boston*, or elsewhere.

Voted, That the Right of this Province in & to the River, commonly called *Piscataqua* River, be Asserted and Maintained, to avoid the unjust demands of the Naval Officer of the Government of *New-Hampshire*, and in order to Effect the same,

Resolved, That a Braest-work for Six Guns be Erected on some convenient place in the town of *Kittery*, for the defence of the River.

That Six Guns with Carriages, Powder and Shot, be ordered to the Town of *Kittery*, and that his Excellency be desired to give his orders accordingly.

That it is for His Majesties Service, that there be a Naval Office kept in the

Port of *Kittery*, and that all Ships and other Vessels, that Load or Unload at the Port of *Kittery*, be obliged to Enter and Clear with the Naval Officer there, and Pay the Duty of Impost and Powder Money, according to Law.

And that all the Harbours in *Kittery* and *Berwick*, shall belong to the Port of *Kittery*. Sent up for Concurrence.

Col. *Dudley*, from the Committee, offered a Report to the House, which was Read, and accepted, *viz*.

The Committee are humbly of Opinion, that only Fifty able Souldiers be forthwith Enlisted and Employed, with one suitable Officer to Command them on the Frontiers, between *Penobscot* River, and *Winipischook* Ponds, on *Merrimack* River, and that part of them be constantly Scouting, hunting and discovering the Rivers, Ponds, Carrying-places and Hunting Grounds between the aforesaid Rivers, taking an account of the nature and quality of the Lands, keeping Journals of their proceedings; and that the said men be allowed extraordinary Wages for their Encouragement, provided they send Journals as aforesaid, to the Secretary's Office; [18] And that Ten Men more be employed for the purposes aforesaid, between *Merrimack* River and *Connecticut* River, and to the Westward thereof.

And that arter one Years Service, any or all the Men aforesaid be exchanged (if they so desire) for other as able Men, for the ends aforesaid; So that the Province may have some good Pilots and Guides in case of a War, or as occasion shall require, & that when the aforesaid Men are Inlisted, the 100 Men last year Detached, & those at *Northfield* be forthwith Dismist.

Sent up by Col *Goff*, Col. *Spurr*, Mr. *Austin*, and Mr *Rand*.

Isaac Winslow Esqr. brought down from the Honourable Board, a Resolve on His Majesties further Instructions to his Excellency, and a Copy of his Excellency's former Instruction, *viz*

In Council, *June 13. 1721*. His Excellency having Communicated the Message of the House of Representatives, referring to His Majesties Additional Instructions.

The Council are unanimously of Opinion, that His Majesties said Instruction does not affect the usual Allowance granted to his Excellency the Governour, for his Support, in Managing the Affairs of the Government, or any other ordinary Grants or Allowances made by the General Assembly from time to time, to other Persons or Officers concerned in the Government; but that such Grants and Allowances may be made without the Clause mentioned in the said Instruction, in the same manner as has been hitherto practised by the General Assembly of this Province; such allowances and grants being part of the necessary charge of the Government of the Province, for the defraying of which, the Acts for laying & raising of Taxes, & settling the Revenue are made, & cannot by any reasonable Construction be looked upon as an Act or Acts of an unusual or extraordinary

nature, or wherein His Majesties Prerogative, or the Property of His Subjects is prejudiced.

J. Willard, Secretary.

The Opinion of the Council being agreeable to my own Sentiments in this Matter, I shall act accordingly

Samuel Shute.

The Copy of his Excellency's former Instructions, is as follows.

ARTICLE 14.

AND *whereas great mischiefs may arise, by passing Bills of an unusual and extraordinary nature and importance, in the Plantations, which Bills remain in force there from the time of the Enacting, until His Majesties Pleasure be signified to the contrary; His Majesty does hereby Will and Require you, not to pass, or give your consent hereafter to any Bill or Bills in the Assembly of His Majesties said Province of unusual and extraordinary nature and importance, wherein His Majesties Prerogative, or the Property of His Subjects may be prejudiced, without having first transmitted to His Majesty the Draught of such a Bill or Bills; [19] and His Majesty having signified his Royal Pleasure thereon, or that you take care in the passing of any Act of an unusual and extraordinary nature, that there be a Clause inserted therein, suspending and deferring the Execution thereof, until His Majesties Pleasure be known concerning the said Act, to the end his Prerogative may not suffer: And that His Majesties Subjects may not have reason to complain of hardships put upon them on the like Occasion.*

A true Copy.

J. Willard.

A Petition of *Thomas Drury junior, of Framingham*, praying that he may have liberty to Erect a Griss Mill on the Stream called the Falls in *Hasinimisco*, and for a liberty to purchase 20 Acres of Land from the *Indians*.

Read a 2d time, and

Ordered, That Col. *Joseph Buckminster*, Mr. *William Wilson*, and Mr. *Josiah Jones*, be a Committee to view the said Land, and make report thereof to this House at the next Sessions.

A Petition from the Select-men of the Town of *Billingham*, praying that they may be freed from the Province Tax, for reasons therein given.

Read and dismiss.

A Motion being made, that the Town of *Sutton* was in a capacity of paying Taxes. *Voted*, That they pay the Sum of *Twenty Shillings* to *l. 1000* Tax.

A Petition of the Proprietors of a certain Tract of Land lying in the Township of *Dorchester*, on the Northwest of *Neponset*, praying as therein Entred. Read and

Referred to the next Sessions, that the two Precincts of *Dorchester* may be notified thereof.

Voted, That Col. *Edmund Goff* be added to the Committee of Petitions, in the room of Capt. *Gardner*, detained at Home by Sickness.

Spencer Phipps Esqr. brought down from the Board, A Bill, Intituled, *An Act, For Granting unto His Majesty, an Excise upon Wines, &c.* Sent up to the Board this Morning, and now returned with this Vote on it, *viz.*

In Council, *June 14. 1721.*

The above amendments were again read, and that only relating to Corporal punishment insisted on; and the Question being put, Whether the House concurred with the Board. It passed in the Negative.

Voted, That the House insist on the Article of Corporal Punishment, with an amendment, provided the Stripes do not exceed 20, nor less than 10.

Sent up for Concurrence.

Ordered, That *Elisha Cooke* Esqr. Col. *Dudley*, and Major *Quincey*, carry up the aforesaid Bill.

The Petition of *Seth Smith*, Prison-Keeper, praying for an allowance, for keeping *Ovid Rushbrook* and *John Blin*. Read a 2d time. [20]

Post Meridiem.

Complaint being made that the Commissioner of the Excise for the County of *York*, hath not Paid into the Publick Treasury, any Sums of Money by him Received for the Duties of Excise.

Ordered, that Mr. *William Clarke* be desired to direct the Treasurer, that he attend this House to Morrow to give his Reasons therefor.

An Act to Enable *William Man* of *Boston* Braizer, to bring forward an Action or Writ of Review against *John Guy* of *Branford*, at the Court of Sessions in *Boston*, in the County of *Suffolk*, on the first *Tuesday* of *July* or *October* next.

Read a 1st and 2d time.

A Petition of *John Foster*, on behalf of Col. *Joseph Whipple* and others, Praying, that the Town of *Mendon* may be measured, for Reasons therein given.

Read and Committed.

A Petition Signed by *Joshua Baily*, and 69 other Inhabitants of the County of *Essex*, Praying for a Tract of Land of 8 Miles square, which is adjoining to *Rutland*, in the County of *Middlesex*. Read and dismiss.

Voted, That Messieurs *Jebaz Fairbanks*, *William Wilson*, & *Josiah Jones*, be a Committee from this House, to View that Tract of Land lying Northward or North-Easterly of *Wachusett* Hill as mentioned in their Petition, and make Report thereof to this House at the *Fall* Sessions, whether it be suitable for the settlement of one or more Towns.

A Petition of *Joseph Parsons* Esqr. Praying that this House would make him some allowance, for the Losses his Father met with at *Squaheeg*, and for a Servant he lost in the Publick Service, &c. Read & dismiss.

A Bill to Enable *Mary Sergeant*, Relict of *Thomas Sergeant*, late of *Amsbury*, to sell 18 Acres of Land, part of 40 Acres of Land Mortgaged to the Commissioners of the 100000, Loan. Read a 1st & 2d time,

A Bill, Intituled, an Act for Granting unto His Majesty, several Duties of Impost and Tonage of Shipping. Read a 3d time,

Resolved, That the Bill do Pass to be Engrossed.

Sent up for Concurrence by Mr. *Foster*, Col. *Dudley*, and Mr. *Epps*.

And then the House Adjourned till to Morrow Morning Nine a Clock.

Jobis 15. Die Junii. 1721. A. M.

A Petition of Capt. *John Billings*, Mr. *Ralph Pope*, and Mr. *Isaac Royal*, Junior, a Committee Chosen by the Proprietors of *Dorchester*, [21] *December 7th 1719*. To take care of the Iron Oar belonging to the Town of *Dorchester*, &c. Praying as therein inserted. Read and Sent up.

A Petition of *Nathaniel Brewer*, *Nathaniel Glover* Junior, Agents for the Proprietors of the Common Land in *Dorchester*, Appointed at a Legal Meeting of the Proprietors, at the Ancient Publick Meeting House in *Dorchester*, *December 27th 1720*. Praying as therein inserted.

Read and Sent up.

A Petition of *Zechary Bicknel*, Representative of the Town of *Barrington*, Praying as is therein mentioned. Read and Committed.

The House being informed, That *l. 30000* of the *l. 50000* Ordered to be Made and Emitted the last Sessions is finished.

Ordered, That the said Sum of *l. 30000* be put into the Hands of the Treasurer of the Province till the whole be perfected.

Resolved, That the Sum of *Six Thousand Pounds* only shall be Levied upon Poles and Estates this Year, which with the Sum of *Ten Thousand, Two Hundred and Fifty Pounds* by the Duties of Impost and Tonage of Shipping and Excise, together with the Income of the Bills Lett out, and the Light-House, will make the Sum of *Sixteen Thousand, Two Hundred and Fifty Pounds*, pursuant to the Funds and Grants made in the years 1718, and 1719.

A Bill to Enable *William Man* of *Boston* to bring forward an Action, as Entred yesterday. Read the third time, and passed to be Engrost.

Sent up for Concurrence.

A Bill to Enable *Mary Sergeant*, Relict of *Thomas Sergeant*, to bring forward an Action as Entred yesterday. Read the third time.

Resolved, That the Bill pass to be Engrost.

Sent up for Concurrence.

A Petition of *Seth Smith*, Prison-Keeper, praying for an allowance to be made him for keeping *Ovid Rushbrook* and *John Blin*.

Read a third time, and Committed.

A Petition of the Committee of *Brimfield*, informing the House of the difficulties they met with in Settling of the Town of *Brimfield* (because the Lead Mines at *Tantausqus* are not yet Laid out by Mr. *John Winthrop*) and praying for the assistance of the Court, &c.

Also a Petition of the Inhabitants of *Brimfield*, praying, that they may have an Equivalent allowed them for the Land that is taken from their Grant by running the Line with *Connecticut*.

Both Read a 2d time.

Post Meridiem.

Samuel Prince Esqr. was Dismist further Attending of the House this Sessions. [22]

Mr. *William Clarke* from the Committee to Examine the Treasurers Accompts, Reported, that they had Examined Mr. Treasurer *Allen's* Accompts, & found them right Cast up, and well Avouched; and further observed several Articles, which they thought proper to acquaint the House of.

Resolved, That Mr. *William Clarke*, Capt. *William Throop*, *John Wainwright* Esq. Mr. *John Foster*, *Joseph Parsons* Esqr. Col. *Edmund Goff*, *Shubal Gorham* Esqr. and Capt. *Elisha Plaisted*, be a Committee to Examine the several Articles in the said Treasurers Accompts, which the former Committee acquainted the House of, and make Report thereof, what they think proper to be done thereon.

Mr. *Cooke* from the Committee made the following Report.

WHEREAS the Great and General Court did at a Sessions held at *Boston*, May 27. 1703. pursuant to a Report of Capt. *Jonathan Prescott*, Messieurs *Samuel Jones*, and *John Farnsworth*, a Committee appointed by them, Order, That a certain Tract of Land should be added and confirmed to the Town of *Lancaster*, as part of that Township, not prejudicing any former Grant; the aforesaid Tract of Land beginning at the Northwest corner of the proper bounds of *Lancaster* Plantation then so called, and from thence to run a line upon a Northwest Point (or near thereabouts) along by the Southwest sides of *Mashapaug* and *Uncachawelock* Ponds, extending said line three miles; and from thence an angle running near a Southwest point crossing a River, called the North River, and so ranging along over Hills, called *Monoosuck* Hills, said line being about six miles in length, till it meets with the middle Branch of *Lancaster* River; at or near a little Hill, where is a Tree marked by the *Indians* for a corner of said Land, being near five miles wide at the Southward, and bounded partly by the River, partly by

Capt. *Davenport's* Farm, to the Southwest corner of *Lancaster* old bounds: And whereas two of that Committee have been lately upon the aforesaid Tract of Land, and viewed the same, and do declare upon Oath, That they are no ways apprehensive, that they were deceived, or imposed upon by *Lancaster* men, or misled in that matter: And they marked a Tree upon the Westerly side of said Pond upon the brink thereof, as a mark to the said Land: And that it was their true intention, that the Land at that end should be three miles in wedth, whether it fell short or came beyond the mark. It no ways appearing that the Report was grounded on misrepresentation of the Inhabitants or Proprietors of *Lancaster*; but on the contrary that they fairly shewed the said Committeee the bounds and lines of their old Township; The Committee are therefore humbly of Opinion, That that Tract of Land which was confirmed to the Town of *Lancaster*, by this Court, Anno 1713. and described in the Return, signed by the aforesaid *Jonathan Prescott, Samuel Jones, and John Farnsworth*, ought to be, and remain to the Proprietors of *Lancaster*, their Heirs and Assigns for ever, by virtue of the aforesaid Grant. Any former Act or Resolve of this Court to the contrary notwithstanding.

By order of the Committeee.

Elisha Cooke.

Read, Accepted, and sent up for Concurrence.

John Wheelwright Esqr. brought down from the Board the Petition of Capt. *Richard Kent*; passed upon there, viz In Council, *June 15. 1721.* Read & Ordered, That a hearing be had on this Petition on *Wednesday* the 21st of *June* Instant, and that the Petitioner serve the adverse party with a copy of it.

Sent down for Concurrence. [23]

Mr. Treasurer *Allen* was admitted into the House, and advised them, That he could not be informed by any of that County, who was appointed by the Court to be the Receiver of Excise, and withdrew.

Nathaniel Norden Esqr. Brought down from the Board the two Petitions from the Sub Committee of *Dorchester*, passed on there, viz.

In Council, *June 15. 1721.* Read and Ordered, That a Hearing be had on this Petition upon *Wednesday* the 21st Instant, and that the Petitioner serve the adverse Party with a Copy thereof.

Sent down for Concurrence.

A Bill Intituled, An Act, *For the Apportioning or Assessing the several Towns in this Province to the Sum of Six Thousand Pounds upon Polls and Estates.*

Read a 2d time.

And then the House Adjourned till to Morrow Morning Nine a Clock.

Ueneris 16. Die Junii. 1721. A. M.

A Petition of Capt. *Richard Kent* brought down from the Board Yesterday, Passed on there, was Read & Accepted with this amendment, *viz.* That the Hearing may be deferred to the 2d *Wednesday* of the next Sessions.

Sent up for Concurrence.

The Petition from the sub Committee of *Dorchester*, brought down from the Board Yesterday, and Passed on there was Read, and Concurred.

Sent up.

William Dudley, Esqr. from the Committee of *Brimfield* Reported *viz.* The Committee are of Opinion, That the Town of *Brimfield* be Extended Three Miles more Eastward, according to the Projection in the Plat, and the Return of a former Committee under their Hands, Saving always to the Heirs of the Honourable *Wait Winthrop* Esqr. and *John Elliot*, Deceased, their Rights laid out within said Tract, or any other former Grant, that hath been made and Surveyed in this Additional Grant to the Town of *Brimfield*. *William Dudley*.

Accepted and Sent up for Concurrence.

An Account Signed by *Abraham Prebble* Esqr. Treasurer of the County of *York*, for the Year past, was presented to the House and Read.

Resolved that the said Account be Allowed.

Sent up for Concurrence.

Nathaniel Norden Esqr. brought down from the Board, a Bill to Enable *Mary Sergeant* Relict of *Thomas Sergeant* of *Amsbury*, to Dispose of 18 Acres of Land &c. Passed on in this House, and Sent up for Concurrence.

In Council *June 15 1721*. Read twice and Past a Concurrence with Amendments. Read and Concurred, Sent up.

Ordered, That Col. *Edmund Goff*, go up to the Board, & desire that *Joseph Hammond* Esq. late Clerk of the Court of General Sessions of the Peace, for [24] the County of *York*, come down to the House, who accordingly came in.

Mr. *Speaker*, desired he would inform the House who was the Commissioner of Excise for that County, whether he was Sworn to his Office, and had given Bond. To which he answered, that Mr. *Joseph Curtice* of *Kittery*, was some Years since Appointed by the General Sessions of the Peace to that Office, had taken the Oath of Office, but was not certain whether he had given Bond as the Law required. And then withdrew.

Mr *Cooke* from the Committee brought in the following Report. *viz.* That the Town of *Barrington*, ought not to be subject to the Taxes made by the Town of *Rehoboth*, for the Hundred-Acre Meadow mentioned in the Memorial, but that for the future the same ought to be made by the Town of *Barrington*.

Ordered, That the Petition and Report on it, be Referred to the Consideration of the next Sessions, and the Town of *Rehoboth* be advised of it.

Ordered, That Col. *Goff*, go up to the Board, and desire the Honourable *John Wheelwright*, and *Charles Frost* Esqrs. Two of his Majesties Justices for the County of *York*, would come down to the House; and upon their coming in Mr. *Speaker* Requested them to let the House know, whether Mr. *Joseph Curtice*, Commissioner of Excise for that County, had given Bond Pursuant to Law.

John Wheelwright, Esqr. said he was not certain whether he had given Bond or not.

Charles Frost, Esqr. reported to the same purpose, but that Mr. *Hammond*, some Months past told him, that the Commissioner had not given Bond.

John Turner, Esqr. brought down from the Board, A Bill, Entituled, An Act, For Granting to His Majesty, Several Rates and Duties of Impost and Tonnage of Shipping, Concurred to with Amendments,

Read and Concurred, Sent up.

Resolved, That *Elisha Cooke*, Esqr. go up to the Board, and desire that the Account of Mr. *Chadbourn*, and Mr. *Sanders*, for Service done this House, in the *March* Sessions, which was accepted by the House, and Sent up to the Board for Concurrence, but nothing done on them, may be sent down again.

William Dudley, Esqr. informed the House that he had Sold the 10000 Acres of Land, lying between the Towns of *Oxford*, *Lancaster*, and *Brookfield*, by Order of this Court, but could not give a Title to them, because the Land was not laid out to any County bordering on it.

Resolved, The said 10000 Acres of Land lying between the said Towns, be Annexed unto, & accounted as part of the County of *Suffolk*, from this time.

Sent up for Concurrence.

Isaac Winslow, Esqr. brought down from the Board, An Engrossed Bill, Intituled, An Act, For Granting to His Majesty an Excise upon Wines, Liquors &c. Sold by Retail, *Resolved*, That the Bill do pass to be Enacted.

Sent up for Concurrence, by *William Hutchinson*, *Daniel Epps* Esqrs. and Capt. *Stacy*. [25]

A Bill to Enable *William Man* of *Boston*, to bring forward An Action against *John Guy* of *Branford*, &c. brought down from the Board by *Isaac Winslow* Esqr.

Resolved, That the Bill do pass to be Enacted.

Sent up for Concurrence, by *John Menzies* Esqr.

A Petition of *John Tappen* of *Salisbury*, Shewing that he was wounded by the Indian Enemy in 1678, and that he is now Reduced to want, by reason of Age and Infirmary of Body, occasioned as aforesaid, Praying for Relief from this Court.

Read and

Resolved, That Five Pounds per Annum, be Paid to the Petitioner *John Tappen*, out of the Publick Treasury during his natural Life.

Sent up for Concurrence.

Post Meridiem.

A Petition of Mr. *John Billings*, praying, that he may have some allowance for keeping *John Woconconick*, a blind Indian, who lost his Sight in the Publick Service.

Resolved, That the Sum of *Six Pounds* be allowed and paid unto Mr. *John Billings*, for keeping said *Indian* the last year.

Sent up for Concurrence.

Mr. Secretary *Willard* brought down from the Board an Engrossed Bill, Intituled, An Act, *To Enable* Mary Sergeant *to dispose of* 18 Acres of Land, &c. Which was Read, and *Resolved*, That the said Bill do pass to be Enacted.

Sent up for Concurrence by Mr. *John Dennis*.

Ordered, That Mr. *Ebenezer Stone*, Capt. *Ebenezer Hawes*, Mr. *Nathaniel Coffin*, Col. *William Dudley*, and Mr. *John Foster* be a Committee to consider of some Additional Act, for the more regular Observation of the Lords-Day.

Charles Frost Esqr. brought down from the Board the Petition of *Joseph Ayres* of *Brookfield*, in the County of *Hampshire*, praying, that he may be Enabled to bring forward a Bill to Enable him to File his Complaint against *Henry Gilbert* of *Brookfield* at the next Superiour Court of Judicature, to be Held at *Springfield*, on the third day of *September* next. Passed on in Council, *viz.*

In Council, *June 16. 1721.* Read and Ordered, That the Prayer of this Petition be granted, and that a Bill be brought in accordingly. Sent down for Concurrence. Read and continued to the next Sessions of the Court.

Joseph Hammond Esqr. brought down from the Board, a Vote passed there this Day, *viz.*

Ordered, That *Thomas Hutchinson*, *Edmund Quincey*, and *John Burril* Esqrs. with such as the Honourable House shall appoint, be a Committee forthwith, to Enquire into the grounds and reasons of the Complaint of the people, called *Quakers*, and to consider what may with Justice, and due regard to the Laws of this Province be done for their ease, more especially to prevent their being oppressed by Distress made on their Estates, and to make Report to this Court.

Sent down for Concurrence.

Read and Concurred, and

Ordered, That *William Dudley* and *William Hutchinson* Esqrs. Mr. *Richard Johnson*, and Mr. *William Wilson* be a Committee of this House, to Joyn with the Committee of the Board in that Affair. Sent up.

Ordered, That *Tuesday* next, the 20th currant, be the Day appointed for Chusing of Civil Officers. Sent up for Concurrence. [26]

A Petition of *Edward Capon*, *Samuel Capon*, &c. praying, that an Execution for l. 130 o 2 obtained against them, at the Inferiour Court, held at *Boston*, for the County of *Suffolk*, may be lodged in the hands of the Clerk of the Superiour

Court, for the Commissioners of the *l.* 100000 Loan, to discharge his Mortgage, as set forth in the Petition.

Read and dismiss.

Then the House Adjourned till to Morrow Morning Nine a Clock.

Sabbati 17. Die Junii, 1721. A. M.

A Petition of *Richard Moor* of *Oxford*, in behalf of himself and the Town of *Oxford*, praying, that as this Court did impower them to Levy a Tax on the Lands of the Resident and Non-Resident Proprietors of said Town, towards Building a Meeting-House, and Settling a Minister among them; and that they have accordingly made the Tax, but some of the Proprietors refusing to pay the same, they may be directed by this Court, how they shall Recover the same.

Read.

Ordered, That *John Menzies* Esqr. Go up to the Board, & desire that the Bill for the making the In-Land Towns a County, may be sent down to this House.

In answer to the Petition of Mr. *Richard Moor*.

Ordered, That he have liberty to bring in a Bill, providing that where any Towns have liberty to Tax Non-resident Proprietors Lands, the said Lands shall be liable to an extent to pay the said Tax.

Mr. *William Clarke* from the Committee Reported, That pursuant to the Order of the House, they had made Enquiry into the Objections made by the Committee appointed to Audit the Treasurers Accompts, and find an Article of *l.* 72 7 6. paid Col. *Shadrach Walton*, Commander in Chief of the Forces sent *Eastward* last Fall, although the House at their Sessions in *November* last resolved, that the said *Shadrach Walton* should receive no pay, until he with others should send to the Secretary the reasons of their not complying with the Orders of the General Court in an Affair that he was intrusted with, which he has not complied with, as also a Vote of Council in the same Sessions; That the said *Shadrach Walton*, with other the Commissioners to manage a Conference with the *Eastern Indians*, should receive their pay when the *Indians* had complied with the Treaty then agreed upon, which they have not yet performed; The General Court at that Sessions having resolved, that the Marching Forces, and their Officers that were Inhabitants of, and belonging to this Province only should be allowed pay as by that Resolve was Established. We observe an Article of *l.* 17 14 and another of *l.* 7 5 paid *Joseph Bean*, Interpreter to the *Indian* Hostages, for his time in bringing them to *Boston*, waiting on them and returning home, which is contrary to the Articles agreed to by the *Indians* with the said Commissioners. Also

Another Article of *l.* 18 paid *John Dorrill*, for Dyet, Lodging and Attendance on the aforesaid *Indian* Hostages.

We also observe an Article of *l.* 5 5. paid to *James Scolley* for Notifying some

of the Members of His Majesties Council to attend their Duty at the Board even in the Sitting of the General Court; which Charge we think unreasonable to be paid out of the Publick Treasury. Likewise

An Article of Charge of *l. 23 10* paid unto *John Giles* on account of Intelligence of the *Indians* motions for the year past, which in our humble opinion is an extravagant Charge.

The next is an Article of Charge paid *Bartholomew Green*, for Printing for the Government, amounting to *l. 32 11 2.* which was allowed, and thereon a Warrant for payment thereof the Day immediately preceeding this present Sessions; when as such Accompts used to have the Examination and Allowance of this House.

That which most of all surprizes us is the Sum of *l. 12 12 2.* paid to *Mary Smith*, Innholder for Sundries, supplied the Press Gangs Impresssing Sailors for His Majesties Ship *Seahorse*, and therefore we humbly presume, that the several Sums and Draughts upon the Treasury, by Order of his Excellency, by and with the Advice and Consent of the Council, are inconsistent with the Grant, for Supply of the Treasury, and therefore deemed a grievance.

We cannot but remark one thing more, that several Sums have been paid for Expresses to *Piscataqua*, and other places; sent by Order of the Governour and Council, and at the same time two small Accompts, one amounting to *l. 3 10.* allowed by the House to Mr. *John Sanders*; and one other amounting to *l. 6 10 6.* allowed by the House to Mr. *Joseph Chadbourn*, for their Service, being sent Expresses by the House; notwithstanding which, neither of the aforesaid Accompts passed the Honourable Board for payment.

William Clarke, per Order of the Committee:

The above Articles were read in the House singly, and every one of them Voted to be Grievances, except the Article of *l. 23. 10 d.* paid to *John Giles*, which was Voted to be an extravagant Charge.

Ordered, That *Elisha Cooke* Esqr. Col. *Edmund Goff*, *John Wainwright*, *John Menzies*, *Robert Spurr*, *John Quincey* Esqrs. and Capt. *Elisha Plaisted* be a Committee, to consider what may be the properest Methods for securing the Logs that have been Cut in the Province of *Maine*.

Ordered, That Mr. *Foster* Go up to the Board, and desire that the Bill for the more easie Levying of Souldiers, and preventing false Musters, may be sent down.

An Account Signed dy Mr. *John Otis*, Treasurer of the County of *Barnstable*, was Presented to the House, and Read.

Resolved, That the said Accompt be Allowed.

Sent up for Concurrence.

Then the House Adjourned till Monday Three a Clock Afternoon.

VOTES

Of the House of Representatives.

Luna 19. Die Junii. 1721. P. M.

HIS Excellencies Speech to the House, before the Dissolving of the Assembly in *March* last, was Read, and some debate had thereon. *Ordered*, That *Elisha Cooke* Esqr. Mr. *Ebenezer Stone*, *John Quincey* Esqr. Mr. *William Clarke*, Mr. *Nathaniel Knowlton*, Mr. *John Foster*, and Capt. *William Throop*, be a Committee, to draw up a Memorial upon, or Representation of that Speech, to Vindicate the Proceedings of that House, & manifest the Duty and Loyalty they always bore to His Majesty, King *GEORGE*, and to all his Royal Commands, notwithstanding the Insinuations in that Speech, as if their behaviour in that Session had discovered the contrary: which Charge not only effected the Representatives, but the whole Body of this People, and therefore of absolute necessity to be cleared up.

Ebenezer Pumery, Sheriff for the County of *Hampshire*, sent to Mr. *Speaker* an account of his proceeding, relating to the Precept sent to *Enfield*, with the Return on it, and desired the House to Excuse him from coming down, which was Communicated to the House, and his Excuse Accepted.

An Account Signed by *Samuel Checkly*, Treasurer of the County of *Suffolk*, was Presented to the House & Read. And the Question being put, *Whether the said Account be Accepted*, It passed in the Negative.

A Bill, Entituled, An Act, *For Apportioning and Assessing, a Tax of Six Thousand Pounds, upon Polls, and Estates*, was Read a 2d Time.

Mr. *Cooke* from the Committee Reported,

That whereas some time last *Winter*, several hundred of very valuable white Pine-Trees, standing & Growing on a certain Tract of Land, above the Township of *Berwick* in the County of *York*, & not far from a place called the *Stair falls* upon *Newichewonick River*, (which Land is the Right & Property of this Province, being long since purchased of the Assigns of Sr. *Ferdinando Gorge*, & confirmed by the Royal Charter) all which Trees, or far the greatest part of them were immediately after being felled, cut into suitable lengths for Plank, Boards and other Timber, and then haled into *Newichewonick-River*, in order to be got down to the Saw Mills, where they now ly, so that tho' these Trees when Standing or Growing might be fit for Masting the Royal Navy, yet inasmuch as they are cut into such lengths as aforesaid, & had they grown upon such Tracts of Land, as His Majesty without all Question had Reserved the Trees of such Diamater for Masts for the Royal Navy, yet as the matter is now circumstanced, it can be no Infringement on the Reservation made in the Royal Charter, or Act of Parliament, Respect-

ing [30] Mast Trees for this Government, now to take and convert those Logs to their own use. And should this Court, when Informed of such vast Waste and Spoil in the Woods, not Endeavour to find out and Punish the Actors thereof, Pursuant to Law in that Case Made and Provided. It may be feared that in a very little time the best Timber Trees (in that part of the Country especially) will be cut down and converted to Private Mens unlawful gains, tho' to the grievous loss and damage of the whole Province, and intierly defeat the good intent and design of the Law of this Province, made in the First Year of His Present Maiesty, King *GEORGE*, for the better Preserving, Securing and Increasing Naval Stores, and His Majesty entierly disappointed in Masting His Royal Navy, or any part thereof, which will necessarily tend to the great Dishonour and Prejudice of the Government. Read and

Ordered, That *Elisha Cooke Esqr. John Wainwright Esqr. and Capt. Elisha Plaisted*, with such other as the Honourable Board shall Appoint to joyn with them, be Authorized and Impowered by this Court, forthwith to take and Seize all those Logs, & Mark them with the following Letters, P. M. or so many thereof as they can find in the Province, to Secure & Reserve them for the further Order of this Court, and that they endeavour by all proper ways to find out the Persons that cut down the aforesaid Trees, and Return Evidence thereof into the Secretary's Office.

Sent up for Concurrence.

Ordered, That this House send up a Message to the Honourable Board, desiring them to joyn with this House, in Appointing a Day of Prayer and Humiliation to Almighty God, for the Judgment he has in his Providence inflicted on our Land, by sending the Small Pox amongst us.

Sent up for Concurrence.

And then the House Adjourned till to Morrow Morning Nine a Clock.

Martis 20 Die Junii, A. M. 1721.

O*rdered*, Mr. *Knowles* have liberty to be absent the remainder of this Session. Mr. *Bryant* was excused for his Absence yesterday.

A Bill Intituled, An Act, *For Apportioning and Assessing a Tax of 1 6000 upon Poles and Estates.* Read a 3d time. And passed to be Engrost.

Thomas Fitch Esqr. & Mr. Secretary Willard brought down from the Board, an Engrossed Bill, Intituled, An Act, *For Granting to His Majesty several Rates and Duties of Impost and Tonnage of Shipping.* Which was Read, and

Resolved, That the Bill do pass to be Enacted.

Sent up for Concurrence.

Mr. *Nathaniel Hubbard* offered to the House, a Bill, in further Addition to an Act, Intituled, An Act, *For Making and Emitting 1 50000 in Bills of Credit on this*

Province, made and passed in the last Sessions in March, in the 7th year of His Majesties Reign, &c. Read a first time. [31]

John Menzies Esqr. brought into the House a Bill for dividing the County of *Middlesex*. Which was Read and Dismist.

A Motion being made by several of the Members of the House, whether some further Allowance ought not to be made them, for their extraordinary Expence, occasioned by the General Courts Sitting at *Cambridge*; and it being put to Vote, Whether any more should be added.

It passed in the Negative.

Mr. Secretary *Willard* Laid before the House an Accompt of his Copying the Records of the General Assembly, by Order of the House.

Which was Read, and

Ordered, That Mr. *William Clarke* and *Elisha Cooke Esqr.* Examine the said Accompts, and make their Report thereon to the House.

Ordered, That Capt. *William Throop* Go up and acquaint the Board, that the House is now ready to proceed to the Election of Civil Officers.

A Packet from Mr. Agent *Dummer*, in which was a Letter directed to the Honourable *Timothy Lyndall Esqr.* Speaker of the House, dated, *Middle-Temple*, April 12. 1721. was brought into the House, by *Thomas Fitch Esqr.*

And a Publick Letter to be Communicated to the House. Dated, *Middle-Temple*, April 12. 1721. Were Read.

Penn Townsend Esqr. from the Board informed the House, that His Majesties Council were ready to Joyn with the House in the Choice of Civil Officers, and to begin with the Choice of a Treasurer: Then the House proceeded to write Votes for a Treasurer.

Ordered, That *William Dudley Esqr.* Mr. *William Clarke*, & *John Wainwright Esqr.* be a Committee to Carry up the Votes of this House for Civil Officers, assist in sorting and numbring of them, together with the Votes of the Board, and Report to the House the Elections that shall be made.

The Committee carried the Votes of this House for a Treasurer, and returned, that *Jeremiah Allen Esqr.* was Chosen by a Majority of Votes.

The said Committee carried up the Votes for a Commissioner of Impost, and returned, that Mr. *Daniel Russel* was Chosen by a Majority of Votes.

Resolved, That the Choice of an Attorney General be deferred to the next Sessions. Sent up for Concurrence.

The said Committee carried up the Votes for a Commissioner of Excise for the County of *Suffolk*, and returned, that Mr. *William Payne* was chosen Commissioner by a major part of the Votes.

The said Committee carried up the Votes for a Commissioner of Excise for the County of *Essex*, who returned, that *Daniel Epps Esqr.* was chosen by a major part of the Votes.

The said Committee carried up the Votes for a Commissioner of Excise for the County of *Middlesex*, who returned, that Col. *Edmund Goff* was chosen by a major part of the votes.

The said Committee carried up the Votes for a Commissioner of Excise for the County of *Hampshire*, who returned, that Mr. *Samuel Barnard* was chosen by a major part of the Votes.

The said Committee carried up the Votes for a Commissioner of Excise for the County of *Plymouth*, who returned, that Mr. *John Foster* was chosen by a major part of the Votes. [32]

The said Committee Carried up the Votes for a Commissioner of Excise for the County of *Bristol*, who returned, that Capt. *William Throop* was chosen by a major part of the Votes.

The said Committee Carried up the Votes for a Commissioner of Excise for the County of *Barnstable*, who Returned, that Mr. *Samuel Jennings* was Chosen by a major part of the Votes.

The said Committee carried up the Votes for a Commissioner of Excise for the County of *York*, who Returned, that Mr. *Jeremiah Molton* junior, was Chosen by a major part of the Votes.

The said Committee carried up the Votes for a Commissioner of Excise for *Dukes* County, who Returned, That *Zacceus Mayhew* Esqr. was Chosen by a major part of the Votes.

The said Committee carried up the Votes for a Commissioner of Excise for *Nantucket*, who Returned, That *John Coffin* Esqr. was Chosen by a major part of the Votes.

Post Meridiem.

Capt. *Ebenezer Hawes* was Excused from further attendance at this Session, through indisposition of Body.

Mr. *William Clarke* laid before the House an Account of the Trustees for the *l.* 50000 Loan, which was referred for consideration at the next Sessions.

Resolved, That the choice of Public Notaries be deferred to the Fall Sessions.
Sent up for Concurrence.

A Bill, in further addition to an Act, Intituled, an Act, *For Making and Emitting l.* 50000 in Bills of this Province, &c.

Read a 2d time, and Dismist.

John Turner Esqr brought down from the Board the Vote for a Day of Prayer &c. passed on there, *viz.* In Council, *June 20. 1721.* Read and concurred, and that his Excellency the Governour be desired to Issue out his Proclamation accordingly: And the Question being put, Whether this House concurred with the Board in that amendment. It passed in the Negative.

John Wheelwright Esqr. brought down from the Board, two Testimonies relating to the Trees cut down in the Province of *Maine*, which were Read and sent up again by Mr. *Davenport*, and *Shubal Gorham* Esqr. who were further Ordered to Enquire, Whether the Council had passed on the Report of this House, about the said Trees.

Resolved, That *Thursday* the 13th of *July* next, be Appointed as a Day of Fasting and Prayer to Almighty God, for the Judgments that he has in his Providence brought on this Province, by sending the Small-pox among us.

Sent up for Concurrence.

A Petition of *Nathaniel Eames*, *Benjamin Murey*, &c. Inhabitants of *Framingham* and *Sherbourn*, praying for liberty to purchase a small parcel of Land lying near to the Land lately Sold to the Town of *Sherbourn*, &c.

Read a first time

Ordered, That Mr. *Pendleton Fletcher*, have leave to be absent for this Sessions.

Ordered, That *Benjamin Stevens* Esqr have liberty to be absent this Sessions.

Ordered, That *Zaccheus Mayhew* Esqr. have liberty to be absent this Sessions.

Then the House Adjourned till to Morrow Morning Nine a Clock

Mercurii 21, Die Junii. 1721. A. M.

A Petition of *Nathaniel Eames*, &c. Which was presented to the House yesterday, and Read. Read a 2d time, and referred to the next Sessions of this Court

Mr. *Clarke* from the Committee, for Examining the Secretary's Accompts [33] for Transcribing the Records of this Court, reported, That they perused the Books, counted the pages, and found that the Secretary had Copied as many pages as came to the Sum of *l. 57 10*.

Resolved, That the Sum of *Fifty Seven Pounds Ten Shillings* be paid out of the Publick Treasury to *Josiah Willard* Esqr. Secretary, for his Service in Copying the Records of this Court, from *April 18, 1689*, to the end of the Sessions of *November 3d. 1694*. and from *February 1. to 1709. to June 15. 1713*.

Voted, That a Message be sent up to the Board, to desire that the last Vote for the Fast may be sent down again.

A Petition Signed by *Joshua Rice*, and 33 other Inhabitants of the Town of *Worcester*, praying, that this Court would Enable them to Raise a Tax on all the Lands belonging to the Town; also on Polls and Estates, &c. to defray the Publick Charges, Build their Church, and Support their Minister. Read a 2d time.

The Vote for a Fast was brought down from the Board, Reconsidered and Ordered, that it be added (and that the Governour be desired to Issue out a Proclamation accordingly.) Sent up for Concurrence.

Mr. *Cooke* from the Committee reported upon several Petitions, as follows,

Upon the Petition of *Seth Smith*, praying for allowance of l. 10 6 4 for keeping *Ovid Rushbrook* and *John Blin* Prisoners.

That the Consideration thereof be referred to the next Sessions of this Court, the Petitioner not having inserted in his Petition, whether the persons have passed their Tryal. Read and Accepted.

And upon the Petition of *John Foster*, in behalf of Col. *Joseph Whipple*, Capt. *Samuel Comestock*, &c.

That the prayer of the Petition be granted, provided the petitioner, or those for whom he petitions, be at the charge of paying the Surveyor and Chain-men.

Read and Accepted. Sent up for Concurrence.

Also upon the Petition of *John Wodden*, praying for 150 Acres of Land to be laid out to him on the Northside of *Merrimack River*, &c.

That the further consideration thereof be referred to the next Sessions of this Court, it appearing to us, that the Petitioner may have an equitable right to the Land petitioned for, but he hath not yet produced a Certificate from the Secretary, that the Land hath not been already taken up, as hath hitherto been accustomed.

Read and Accepted.

Likewise upon the Petition of *Thomas Sanford*, &c. in behalf of the Town of *Mendon*, praying for an allowance of Land for what was taken from them by running the Line with *Providence*. That it be referred to the next Sessions of this Court Read and accepted,

Ordered, That the Court of *General Sessions of the Peace*, &c. *Inferiour Court of Common Pleas*, Appointed by Law to be Held at *Boston*, for the County of *Suffolk*, on the First *Tuesday* of *July* next, may be Removed to some other place, by reason of the Small-pox being in the Town of *Boston*, and that a Bill be drawn up accordingly.

Sent up for Concurrence.

Ordered, That Mr. *Speaker*, Mr. *Cooke*, Mr. *William Clarke*, and Mr. *Austin*, with such others as the Honourable Board shall Nominate, be a Committee to take an Account of defaced Bills, and unfit for use lying in the Treasury, of the number of each sort of the said Bills, with the whole Sum of them, to give the Treasurer Receipt for them, and Burn the said Bills to ashes, and make a Report of their doing to this Court, at their next Sessions.

John Turner Esqr. brought down from the Board the Letter Mr. Agent *Dummer* sent to the House, and informed the *Speaker* that his his Excellency desired the [34] perusal of the other Letter, which was directed to Mr. *Speaker Lyndal*.

Ordered, That the said Letter be sent up to the Board accordingly. Then Mr. Agents Letter to the House was read a second time.

Edmond Quincey Esqr. brought down from the Board a Vote for a Fast with an Amendment, viz. (instead of *Ordered* to put *Voted*)

Accepted and Sent up.

A Message by Mr. Secretary *Willard*, That the Board was ready for the Hearing of the *Dorchester* Petition, and they thought the *Hall* to be a more commodious place for Hearing.

Ordered, That the Hearing be deferred till the Afternoon, that the *Hall* may be disposed to receive the whole General Court.

A Projection presented to the House, for Settling Controversies by Arbitration, &c. Was Read and Ordered, That Mr. *Cooke* be desired to prepare a Bill accordingly.

John Appleton Esqr. brought down from the Board, the Report of the Committee on the Quakers Petition, which was Read, and Non-concurred.

Jonathan Dowse Esqr. brought down from the Board, an Account of the several Sums of Money laid out by the Committee for Fitting the Hospital on *Spectacle* Island, with the Vouchers.

Ordered, That Mr. *Wainwright*, Mr. *Coffin* and Mr. *Stacy*, be a Committee to Audit the said Accompts, and to make their Report on them to the House

Penn Townsend Esqr. brought down from the Board, a Vote, for Removing the Court of General Sessions of the Peace, and Inferiour Court of Common Pleas. Which was Read and Non-concurred.

Ordered, That Mr *Cooke* carry up the Vote of the Council, for Removing the Courts, and inform them of the Reasons why the House did not come into it.

Post Meridiem.

A Petition of *Francis Gathman* of *Salem*, Praying, for Allowance &c

Read a 2d time and Referred to the next Sessions.

Ordered, That Mr. *Snow* be dismiss for this Sessions, by reason some extraordinary affair, that requires his being at home.

Ordered, That Mr. *John Foster*, be dismiss for this Sessions, being indisposed in Body.

A Message from the Board by Mr. Secretary *Willard*, That his Excellency and the Board were coming down to attend the hearing of the *Dorchester* Petition. His Excellency and the Board came down accordingly, and after both Parties were fully heard, Returned to the Board.

And then the House Adjourned till to Morrow Morning Nine a Clock,

VOTES

Of the House of Representatives.

Tobis 22 Die Junii. 1721. A. M.

O*Ordered*, That Capt. *Elisha Plaisted*, have liberty to be absent this Sessions.
Ordered, That Mr. *Francis Sayer*, have liberty to be absent this Sessions.

Mr. Secretary *Willard*, brought down from the Board, An Engrosed Bill for Apportioning & Assessing a Tax of *l. 6000* upon Polls and Estates,

Read and Resolved that the Bill do Pass to be Enacted.

Sent up for Concurrence.

Ordered, That the Vote for easing the Quakers, be Reconsidered.

Mr. *Cooke* from the Committee appointed to make Representation, of the Speech made by his Excellency the Governour, to the House of Representatives when he Dissolved the Court in *March* last, Reported in the words following.

His Excellency the Governours Speech to the House of Representatives, at the Dissolving of the Court in *March* last being Read, and the several Paragraphs and charges therein, duly and maturely considered.

WHE His Majesties most Loyal and Dutiful Subjects, the Representatives of this Province, deem our selves to lie under the strongest Ties & Obligations to the People whom we Represent, in the most Publick manner to manifest & declare; That we can in no wise suppose the behaviour of that Assembly was such, as deserved to be so animadverted upon by his Excellency at his parting with them, when they were wholly incapacitated to Answer for themselves, & therefore that Speech being put into the next *Boston Gazette*, made it more & more Irksome & Uncomfortable, to all such as desire after Peace and Unanimity, Should therefore this Assembly remain silent on this head, every one would conclude, that the several Remarks put upon the Transactions of that Assembly were Just and Reasonable, and what they brought upon themselves, for Refusing to give their consent to some Bills then laid before them, and as tho' they had not Acted with a Calm, Moderate, Loyal and Peaceable Behaviour, but rather full of Misunderstandings and Animosities; The Reverse whereof may with the greatest ease appear conspicuous to every disinterested person.

His Excellency the Governour in that Speech, sets forth the Reason of Meeting them at that time, Received their Answer which he should Transmit, that His Majesty might see how he had been Treated and Supported, and what Regard was paid to the Kings Instructions, which carries in it a strong Insinuation, as if his Excellency had not been well Treated and [36] Supported, and little Regard Paid to His Majesties Instruction. When as the low circumstances of the people

of this Province Labouring under a decay of Trade for want of a sufficient Medium: And the Allowances that from time to time have been given the Governour, by former as well as the last Assembly, have far exceeded the Allowances made to former Governours. Wherefore they had sufficient Reason to conclude, that what they then Voted and Raised for his Excellencies Support, would have met with a chearful Reception.

It would be an exceeding Trouble and Grief to every good man among us, if in any one Article it could appear that that Assembly, or any other, had in the least measure slighted His Majesties Royal Instructions, and not Paid all proper Defference and due Regard thereto.

It has not been the Usage and Practice, to have Bills sent to the Right Honourable, the Lords Commissioners of Trade and Plantations, that meet with a Non-Concurrence in the House of Representatives, tho' they had Twice Passed the Council Board, and brought down with Messages to Inforce the Passing of them.

The Council have oftimes Non-Concurred Bills, that the House have been very Sollicitous to have Passed into Acts, but they having different views of such Bills, could not therefore join with the House, and without all question, had the House thought the not Passing the Bill, to prevent a Trade to Cape *Breton*, could prejudice the Interest of this Government, or tend to the dishonour thereof, or that they were any way enjoined to Prohibit such Trade, the Bill would have met with a ready and willing Concurrence; But because it did not, that therefore his Excellency should acquaint the Board of Trade thereof, is what we cannot see any Reason for at present; This Government by their Constitution, being no ways answerable to that Honorable Board, for any Matter or Thing done here, Relating to Acts of Government.

Had the Assembly in that Sessions came in with the Council, and Passed the Two Bills, One to Prevent Riots, the other to Prohibit the Making and Publishing Libels and Scandalous Pamphlets, it would have brought a lasting Reproach upon the Innocent People of this Province, for altho' the first of those Bills for Substance, might be taken out of An Act of Parliament, made in the first Year of His Present Majesty King *GEORGE*, yet we humbly presume, the People of this Province are not disposed to Rebellion, or in the least inclined to the Pretender, as was the Case in *England* that gave Rise to that Act: Nay have we any of this Province Suspected to be Disaffected to His Present Majesty King *GEORGE*, and the Succession in the House of *Hanover*, and can we not Heartily and Sincerely say and Firmly believe; That His Majesties Subjects in this Province, are as Dutiful, as Loyal, as Obedient and as True to the Interest of the Crown, as any His Majesties Subjects whomsoever; And we can with as much Truth Declare, the People here are not inclined to Riots and Tumults, but of a Quiet and Peaceable Temper and Behaviour, and desirous of Maintaining and Keeping up good Order: How then therefore did this Government want so Extraordinary a Provision for

its Safety. But should it be the unhappy Fate of this Province to stand in need of such an Act (which God forbid) the Representative Body, would as freely come into the Passing of it, as any other parts of the Legislature could or ought to do. [37]

When any persons have been so hardy and malicious, to Print or Publish any Libel reflecting upon those in Government, or upon the Acts of Government, upon due Conviction thereof, the Guilty have been punished by the Courts according to their Offence; whereby Government hath been secured from publick affronts & calumnies; and inasmuch as the Bill projected to prevent Libels and scandalous Pamphlets, gave too great power to the Justices in point of punishment of the breakers of such a Law, and too large to be left to the discretion of the Courts in several instances. We conclude, that for these reasons, that Assembly could not give into such an Act, and verily had that Bill passed into a Law, His Majesties good Subjects had had great reason to be much disquieted thereat, and we fear many inconveniencies would have ensued.

The several Votes passed by the House at the *March* Sessions, for preserving a parcel of Loggs for the use of this Province; we humbly conceive are not contrary to the Reservation in the Charter, or Act of Parliament respecting Mast Trees; it is most certain, that Trees of such Diameter growing on Lands within this Province, not heretofore granted to any private persons; the King has reserved for a special use, *viz.* Masting his Royal Navy; but all those Votes respecting Loggs cut into short lengths for Boards and Planks, and therefore rendred altogether unfit to be used as Masts for the Royal Navy, whatever they might be capable of, when standing or growing Trees; and whatever was done by the House on that Affair, tended as well to preserve His Majesties Rights, as the Estate and Property of this Province.

It is very manifest, that some persons have misrepresented to his Excellency the management of the House of Representatives in the last *March* Sessions; and if any ill minded persons do endeavour to create and keep up misunderstandings by false insinuations between his Excellency and the Assemblies; it is a very unhappy circumstance attending us, and it would be well, could the persons be discovered and not longer screened from the just resentments of the people. And had his Excellency been rightly informed how the Affairs of that Assembly began and issued, things would appear to him under another view and face; for the business of that Sessions from first to last was carried on with uncommon unanimity and agreement on those Heads his Excellency insists on in his Speech, and attended with calmness and moderation, becoming a House of Representatives; and that with a Loyal and Peaceable Behaviour, and no misunderstandings and animosities prevailed among them. Signed

By Order of the whole Committee.

Elisha Cooke.

Read twice and Accepted.

John Burrill Esqr. brought down a Bill, for altering the place of the Sitting of the Court of General Sessions of the Peace, and Inferiour Court of Common-Pleas, from *Boston* to *Roxbury*, &c.

Read a first and second time.

John Wainwright Esqr. from the Committee, for Examining the Accompts presented by Mr. *Thomas Cushing*, and Mr. *Ebenezer Clough*, for Repairing the Hospital, on *Spectacle-Island*, &c. Reported, that the Accompts were well avouched, and right Cast up.

Read and

Resolved, That the Sum of *l. 282—18—2* be allowed and paid unto Mr. *Thomas Cushing* and Mr. *Ebenezer Clough*, out of the Public Treasury, to discharge their Accompt of Expences on the Hospital.

Sent up for Concurrence. [38]

Mr. Treasurer *Allen's* Accompts being again considered,

Resolved, That Mr. Treasurer *Allen* be, and hereby is discharged of the Sum of *Twenty Three Thousand and Sixty Two Pounds*, — 1 — 9 as is contained in the several Articles of Receipts and Payments, amounting to the above-said Sum; altho' the House have Voted the drawing upon the Treasury for payment of several of those Articles a grievance, as not proper to be paid out of the Publick Treasury.

Sent up for Concurrence.

An Accompt Signed by *John Pincheon*, *Luke Hitchcock*, and *Henry Dwight*, Commissioners for Letting out the *l. 100000* Loan, in the County of *Hampshire*, was presented, read and referred to the consideration of the next Sessions.

Post Meridiem.

The Committee's Report of Grievances was sent up by Mr. *Clarke*, who was ordered to ask for Mr. Agents Letter, directed to Mr. Speaker *Lyndall*.

Mr. Agents Letter to the House was read, and a motion made by some of the Members, that his Letter to the House might be Printed. The Question being put, It passed in the Negative.

Charles Frost Esqr. bro't down Mr. Agent *Dummer's* Letter, directed to Mr. Speaker *Lyndall*, which was Read; and his Letters to the House again Read paragraph by paragraph, and discoursed upon.

Ordered, That Mr. *Throop*, Mr. *Quincey*, Mr. *Wainwright*, Mr. *Hutchinson*, and Mr. *Coffin*, be a Committee to consider the Contents of Mr. Agent's Letter, and to make their Report to the House.

An Act, For Altering the place of the Sitting of the Court of General Sessions of the Peace, and Inferiour Court of Common Pleas, &c. from *Boston* to *Roxbury*,

Read a Third Time, Accepted.

Sent up for Concurrence.

John Turner Esqr. Brought down from the Board the *Dorchester* Petitions, on which there was a Hearing yesterday, before the whole House, passed on there, *viz.* In Council, *June 22d. 1721.*

Ordered. That *John Cushing, Samuel Thaxter* and *John Burrill Esqrs.* with such others as the Honourable House of Representatives shall appoint, be a Committee, in the Recess of this Court, to repair to *Dorchester* at some convenient time and place, in order to inquire into the grounds and reasons of the present difference and contention of the Proprietors of *Dorchester*, touching the Divisions of their Propriety Land, and to hear the several Claims, Rights and pretensions of the Proprietors, and to report the state of their Affairs to the Court at their next Sessions, that so some suitable remedy may be provided, by order of this Court, for restoring peace among them, and preventing any Law Suits for the future, if it may be: And for the ease of the Committee, and expediting their inquiry and report; it is ordered, that the two contending parties do chuse from out their number, three or four persons respectively, who are to attend the Committee with their Complaints, Petitions, Rights, Titles, &c. and all Records, Papers or Evidences relating thereto (unless in the mean time the parties should agree) and all Actions and Suits between the said Proprietors shall cease, or be continued, until the report of the said Committee and Order of this Court thereupon. The Charge of the Committee to be born as this Court shall direct.

Sent down for Concurrence. [39]

Read and Concurred (provided that neither of the contending parties shall in the mean time carry off any of the Iron Oar lying in the New Grants.

Ordered, That *Mr. Cooke, Mr. Stone, Mr. Adams* and *Mr. Torry* be added to the Committee.

Sent up for Concurrence.

Ordered, That *Mr. Cooke, Mr. Knowlton,* and *Mr. Wilson,* be a Committee to consider the Complaint of the Inhabitants of *Salisbury*, Praying, that they may be eased of the burthen of paying Taxes to two Governments &c.

A Vote of the House Past the 19 Day of *June*, with the following Vote, was brought down from the Board, *viz.* In Council *June 22d 1721.* Whereas Information has been given, that some Persons have presumed to cut a considerable number of Trees into Loggs, to a great value in the late Province of *Maine*, (now part of this Province) above the Town of *Berwick*, in the County of *York*.

Ordered, That the Representatives of the Towns of *York, Kittery, Wells* and *Berwick*, or any three of them, be a Committee to secure, and if necessary, to dispose of the said Loggs to the best advantage, and lay an Account of their proceedings before this Court at their next Sessions for their further Order, and also to prosecute in the Law such as have illegally cut down any of the said Trees.

Sent down for Concurrence.

Read and Concurred.

Then the House Adjourned till to Morrow Morning Nine a Clock.

Ueneris 23 Die Junii. 1721. A. M.

MR. *Cooke* from the Committee for considering the Complaint of the Inhabitants of *Salisbury*, Reported,

Whereas it is represented to the House, That sundry of the Inhabitants of the Town of *Salisbury*, are Rated by the Government of *New-Hampshire*, and obliged to pay Rates to the Constable of the Town of *Hampton*, and their Estates or Persons seized, to their great loss and grievous damage; the aforesaid people living to the Southward of the ancient known boundary and line that has been established and acknowledged between the Towns of *Salisbury* and *Hampshire*, and between the late Colony of the *Massachusetts-Bay* and *New-Hampshire*, and pay Rates and Taxes to this Government.

It being the duty of this Court effectually to provide, that the Inhabitants of *Salisbury* enjoy equal Rights and Priviledges with the other Inhabitants of this Province, and that those people may be freed from this present burthen.

Ordered, That the Assessors of the Town of *Salisbury* continue to Rate all the Inhabitants and Estates of the Town to the Southward of the ancient Boundary and Line; and that if any persons under colour or Authority of being Constables or Collectors within the Town of *Hampton*, presume to come and demand Rates from any persons living to the Southward of that Line between them and *Hampton*, or attempt to seiz their persons or Effects; That the Inhabitants of the Town of *Salisbury* be impowered to seiz and carry all such persons as pretend to Execute the Office of Constables or Collectors, or their Assistants, before one or more of His Majesties Justices of the Peace for the County of *Essex*, in order to their being proceeded with; and that upon [40] Conviction they shall be punished, as the Law in this Province directs, relating to persons pretending to be Constables, &c. And that the Government of *New-Hampshire*, and Select-men of *Hampton* be forthwith Notified of this Order.

Accepted and Sent up for Concurrence.

Mr. Secretary *Willard* brought down an Engrossed Bill for altering the place of the Sitting of the Court of General Sessions of the Peace, and Inferiour Court of Common Pleas, &c.

Read and

Resolved, That the Bill do pass to be Enacted.

A Second Petition of the Inhabitants of the Town of *Worcester* was Read, and

Resolved, That this, with the other Petition from the Inhabitants of *Worcester*, be referred to the Consideration of the next Sessions.

Mr. *Cooke* from the Committee, Reported,

Whereas by the Resolve of this Court, relating to some Lands formerly belonging to the Town of *Lancaster*, but since taken into the New Township at *Turky-Hill*, lying on the West-side of *Groton*, and now ordered to belong to the Proprietors of

Lancaster: *Many persons that drew their Lotts in the New Town, and have paid their Money therefor, will be great sufferers, for that they will fall within the Tract of Land now settled upon Lancaster, unless this Court make some reparation.*

Ordered, That the former Committee that laid out that Town, be Impowered to Lay out an Equivalent to those persons, whose Lotts fell within that Tract of Land, now Vested in the Proprietors of *Lancaster*, and Report their Doings to this Court at their next Sessions.

Sent up for Concurrence.

Capt. *Throop* from the Committee Reported,

That they had read and considered Mr. Agents Letter, and find that he has paid about *Sixteen Pounds Sterling*, for Statutes sent to the General Court by their Order, and that he has been at some other Expence in Negotiating the Affairs of this Government, and propose that he be desired to lay before this Court an Accompt of his Charge and Expence in the above Articles: that so they may have their just and due consideration: And further, the Committee are humbly of Opinion, That what relates to the Agent himself, should have its due consideration in the House. Read and Accepted.

The House then Entred upon a further debate respecting the Agent, and after mature consideration had thereon; the Question was put, *Whether it be for the Interest of this Province, that Jeremiah Dummer Esqr. be continued as Agent for the Province any longer.* It passed in the Negative.

Resolved, that *Jeremiah Dummer Esqr.* be, and hereby is discharged from his Duty and Trust as Agent for this Province, and that for the future, he do not appear either before His Majesty in Council, or at any of the Secretary's Offices, the Honourable Board of Trade, or any other Board in *Great Britain*, as Agent for this Government.

The Committee appointed by both Houses on the *Dorchester* Petition concurred to yesterday by this House and sent up, was brought down from the Board with Amendment. Read and Concurred. Sent up. [41]

Post Meridiem.

Ordered, That Mr. *David Walker* have liberty to be absent the remainder of this Sessions.

Mr. Secretary *Willard* brought down from the Board a Letter of Thanks, drawn up by the Committee of both Houses, to Mr. *Thomas Hollis*, for his Bounty to the Colledge. Passed on in Council, and sent down for Concurrence.

Read and sent up.

Resolved, That the Pay to be Allowed to the Sixty men, Ordered to be Enlisted for the Eastern and Western Frontiers, &c. be *Ten Shillings per Week*.

Sent up for Concurrence.

In the House of Representatives June 23^d 1721:

Resolved, That the Treasurer be and hereby is directed to Issue forth and Emit the Sum of *Five Thousand Pounds* of the bills of Publick Credit, that are or shall be Recieved into the Treasury, for Payment of the Publick Debts of this Province, already contracted, and for the supplying and supporting the Charge of the Forts and Garisons, and wages arising for their Service, and for payment of Grants, Sallaries and Allowances made, or to be made by this Court, and for no other end and uses whatsoever.

All which are for the defence and support of the Government, necessary protection and preservation of the Inhabitants of this Province, according to such draughts as from time to time shall be made upon him by Warrant, or Order of the Governour, or Commander in Chief for the time being, by and with the Advice and Consent of the Council. And the said Bills shall pass out of the Treasury at the value expressed in them, equivalent to Money, and shall be so taken and accepted in all publick payments.

And that the Duties of Impost and Excise shall be a Fund and Security for the repayment and drawing of the said Bills into the Treasury again, so far as that will reach. And as a further Fund and Security for the same.

It is further Resolved, That there be, and hereby is granted unto His most Excellent Majesty, to the ends and uses as aforesaid, a Tax of *Five Thousand Pounds*, to be Levied on Polls and Estates, both real and personal within this Province, according to such Rules, and in such proportion upon the several Towns and Districts within the same, as shall be agreed on and ordered by the Great and General Court or Assembly of this Province, at their Sessions in *May, Anno 1731.* and paid into the Treasury on or before the last day of *December* next after.

And whereas through the scarcity of Bills of Credit, it grows difficult for persons to convert the produce of their Lands and other Effects into Bills, and to pay their Rates in them.

It is further Ordered, That the Inhabitants of this Province shall have liberty (if they see fit) to pay the several Sums that shall be on them respectively assessed in the several Species hereafter mentioned, at such rates and prices as the General Assembly shall set them, *viz.* In good barrel Pork or Beef, in Wheat, Pease, Barly, Rie, Indian Corn, Oats, Flax, Hemp, Bees-wax, Butter in Firkins, Cheese, Hydes, Tann'd Leather, dry Fish, Mackeril in barrels, Oyl, Whalebone, Bayberry-wax or Tallow; which Species shall be received by the Treasurer, of the several Constables or Collectors, and be by him disposed of to the best advantage, for the calling in of the said Bills into the Treasury: And if any loss by the Sale of the aforesaid Species, or by any other unforeseen accident shall arise, then such deficiencies shall be made good by a Tax of the year next

following, so as fully and effectually to call in the whole of the said Sum of *Five Thousand Pounds* of Bills Emittid as aforesaid.

Sent up for Concurrence.

And then the House Adjourned till to Morrow Morning Nine a Clock.

Sabbati 24 Die Junii. 1721. A. M.

Ordere*d*, That Capt. *John Sheply*, have leave to go home and be absent this Session. [42]

Ordered, That Mr. *John Death*, have leave to go home & be absent this Session.

Voted, That the Account of *Samuel Checkly* Esqr. Treasurer for the County of *Suffolk*, be Reconsidered.

Ordered, That the said Account be Referred to the consideration of the next Session.

A Motion being made by several of the Members, that the House might go upon the Allowances. And the Question being put,

Whether the House would go upon the Allowances?

It Passed in the Negative?

Ordered, That *Daniel Eppes* Esqr. go up to the Board and Inquire, *Whether his Excellency has Accepted the List of Civil Officers:*

Who Returned and Informed the House, that his Excellencies Answer was, He would take his own time for it.

Samuel Sewall, and *Thomas Fitch* Esqrs. brought down the Letter of Thanks, to Mr. *Thomas Hollis*, &c. With an amendment.

Read and Concurred, Sent up.

Samuel Thaxter Esqr. brought down the Vote on the *Salisbury* Complaint. Passed on in Council, viz. In Council, *June 24th 1721*. Read and Non-Concurred.

Also another Vote, viz. In Council *June 24th 1721*. *Ordered*, That *John Appleton*, *Thomas Noyes*, & *John Turner* Esqrs. with such as the Honourable House of Representatives Appoint; Be a Committee to meet with such Gentlemen as shall be Impowered from the Government of *New-Hampshire*, (at the Towns of *Salisbury* or *Hampton*, as shall be Agreed on) during the Recess of this Court, to consider of the unhappy differences between the two Governments, touching several Families near the Line of Division, between the two Provinces, challenged and accordingly Rated by and to both Governments: To Propose & Prepare some Agreement or Method for Rating the Families in Dispute at least for the present, and until some final Settlement be made of the Boundary of the Provinces, and Report their proceeding therein to the next Sessions of the Court for their further Order thereon, & that all Law-Suits or Processes touching the said Families in the mean time cease, or be continued; Provided the Province of *New-Hampshire* be under the same Restriction. Sent down for Concurrence.

Read and Non-Concurred. Sent up.

Resolved, That this House Insist upon their former Vote,
Sent up for Concurrence.

A Letter Signed, *Samuel Moody*, baring Date, *Falmouth, June 19th 1721*.
Relating to the Eastern *Indians*, brought down from the Board was Read, and
sent up with a Message, That it Refers to Orders which this House knows nothing
of. Sent up.

Odered, That *John Wainwright* Esqr. have leave to attend the Inferiour
Court of Common Pleas in the County of *Essex*, the next Week.

Mr. President *Leverett*, came into the House, Accompanied with *Samuel
Sewall* and *Thomas Fitch* Esqrs. And Presented a Memorial, Signed by Mr.
Henry Flint, by Order of the President and Fellows of the Colledge, Relating to
Stoughton-Hall and withdrew.

Then the House Adjourned till Monday Three a Clock Afternoon.

VOTES

Of the House of Representatives.

Lunæ 26 Die Junii. 1721. P. M.

A Petition Signed *Joses Bucknan, James Barnet*, in behalf of the Inhabitants of that part of *Charlestown*, lying on the North side of *Mistick River*, Praying they may be set off to the Town of *Malden*. Read.

Ordered, That Mr. *Dudley*, and Mr. *Menzies*, go up to the Board and enquire, Whether they have Passed on the Vote of this House, Relating to the Complaint of the Town of *Salisbury*. And the other Votes, viz. On the 1000 Acres of Land Sold by Order of this Court, &c. On the Treasurers Accompts, & on the Vote about the Agent.

A Letter from *Christian Newton* Widow, Praying, that as her Husband *Thomas Newton* Esqr. Deceased, Performed the Office of Attorney General the space of one Year, she may be Allowed for his Service, &c.

Resolved, That the Sum of *Five Pounds*, be Allowed & Paid out of the Publick Treasury, to *Christian Newton* in full of her Husbands service in that Office.

Sent up for Concurrence.

Ordered, That Mr. *William Clarke*, go up to the Board and desire that the Vote Passed by this House, on the Treasurers Accompts may be sent down. And whether they have any Business to send down to the House.

A Memorial Signed by Mr. *Henry Flint* Clerk, by Order of the Overseers of the Colledge, Relating to *Stoughton-Hall*.

Read a 2d time.

And then the House Adjourned till to Morrow Morning Nine a Clock.

Martis 27 Die Junii. 1721. A. M.

O*rdered*, That Mr. *Cooke* and Mr. *Dudley*, be desired to draw up a Resolve, how the Bonds given by the Commissioners of Excise in the several Counties, shall be lodged with the Treasurer of the Province, &c.

Ordered, That Capt. *Throop*, Mr. *Hutchinson*, Mr. *Davenport*, Mr. *Cooke*, and Mr. *Dudley*, be a Committee, to consider a Method for drawing back the l. 500 lodged in the Hands of *William Pitkin* Esqr. to change our defaced Bills in *Connecticut* Colony. And further propose a way how the defaced and torn Bills of *Connecticut* Colony among us may be changed. [44]

Mr. *Cooke* from the Committe Reported,

WHereas the Justices of the General Sessions of the Peace, are Required to take Bond, with sufficient Security of the Commissioners of Excise, for the due payment of all Sums of Money by them Collected, to the Treasurer

of the Province; yet many of the Bonds heretofore given, have not been put into the hands and custody of the Treasurer, which hath been a damage and loss to the Government.

Resolved, That the several Clerks of the Courts of General Sessions of the Peace within this Province, shall take effectual care to transmit all such Bonds to the Treasurer of the Province, within three Months at furthest from the date of such Bonds, on penalty of *Twenty Pounds*, to be paid by each Clerk failing of his Duty herein, to be Recovered by Bill, Plaint or Information, in any of His Majesties Courts of Record: One half of the Forfeiture to be for the Use of the Government, the other half to the Informer.

And that the Act for Granting to His Majesty, An Excise upon Liquors, &c. be Read at the Opening of the several Courts of the General Sessions of the Peace within this Province.

And further Resolved, That *Joseph Hammond Esqr.* late Clerk of the Court of General Sessions of the Peace, forthwith send down to Mr. Secretary *Willard*, and Acquaint him whether Mr. *Joseph Curtis*, late Commissioner of the Excise for the County of *York*, gave Bond as the Law directed; and if Bond was given, that he transmit the same to the Treasurer; and if no Bond given, to render a reason why it was omitted.

Read and Accepted.

Sent up for Concurrence.

And further proposed that the Bond to be given by the Commissioners of Excise, should be in the Form following.

K Now all Men by these Presents, That we *A. B.* of in the County of & Commissioner of Excise for the said County, as Principal; & *C. D.* of & *E. F.* of as Sureties, acknowledge our selves bound and obliged in the full and just Sum of unto *Jeremiah Allen Esqr.* Treasurer of this Province of the Massachusetts Bay, and to his Successors for the time being, for and on behalf of the said Province; Which payment well and truly to be made to the said Province Treasurer for the time being. We Bind our selves, our Heirs, Executors and Administrators, each and every of them, firmly by these Presents. Sealed with our Seals. Dated this Day of 172 And in the Year of His Majesty, King *George's* Reign.

THE Condition of the above-written Obligation is such, That whereas the above-named *A. B.* is Appointed Commissioner of Excise for said County, and is by the Law of this Province, Intituled, An Act, *Granting to His Majesty, An Excise on all Wine, Liquors, and other Strong Drink, Sold by Retail.* Made Anno 1721. Directed to Account with, and pay into the Province Treasury, all such Sums of Money received of the Inn-holders and Retailers of such Strong Drink, as *per* the

Act doth fully appear. Now if the said *A. B.* shall, and do well and truly in all Respects and Regards fulfil and perform his Duty as he is Required by said Act: Then the above-written Obligation to be Void and of none Effect, else to abide and remain in full Force, Strength and Virtue. [45]

Ordered, That Mr. *Knowlton* Go up to the Board and Enquire, Whether they have passed on the Vote of the *Salisbury* Petition, who made Report, that the Board had done nothing thereon.

Ordered, That Mr. *Coffin* and Mr. *Austin* Go up to the Board, and Enquire, Whether they have passed a Concurrence on the Resolve of this House, for the supply of the Treasury; who Returned, That it was Read, but nothing done thereon.

Mr. *Throop* from the Committee Reported,

WHereas there are great quantities of Bills of Publick Credit, belonging to the Government of *Connecticut* in this Province, passing from man to man; which Bills are much defaced, torn and unserviceable, and no person appointed by that Government, to Exchange them for other Bills; by reason whereof great damage and loss may accrue to the Possessors of such Bills within this Province.

Resolved, That a pressing Letter be wrote to that Government by the Secretary in the name of this Court, that some meet person be Appointed in this Province, and that he be impowered and enabled to change all such defaced, torn and unserviceable Bills; and that this Government be advised hereof, by or before the next Meeting of this Court. And that *Three Hundred Pounds* of the *Five Hundred* Ordered to the Honourable *William Pitkin* Esqr. of the Bills of Publick Credit on this Province for the Exchanging of torn and defaced Bills, be still remaining in his hands, for the further Exchanging of our said Bills, until the next Sessions of this Court, and that Mr. *Joseph Stebbins*, Representative of *Springfield*, Receive of the said *William Pitkin* the remaining Sum of *Two Hundred Pounds*, giving his Receipt therefor, and returning the same into the Province Treasury.

Per Order of the Committee.

William Throop.

Further Resolved, Mr. Secretary *Willard* be directed to renew his Application to the Government of *Connecticut*, *Rhode-Island* and *New-Hampshire*, for Repaying the Sums advanced for them by this Government, according to the Resolves of this Court, at their Sessions in *March* last.

Read and Accepted.

Sent up for Concurrence.

Addington Davenport Esqr. from the Board advised, that if this House would Revive the two Bills for Money due to Mr. *Chadbourn*, and to Mr. *Sanders*, for

Service done by Order of the House the last Sessions, they would be concurred at the Board. The two Bills were Revived, Read and

Resolved, That the Sum of *Three Pounds Ten Shillings* be allowed and paid out of the Publick Treasury to Mr. *John Sanders*, to discharge his Accompt.

Sent up for Concurrence.

Resolved, That the Sum of *l. 6 10 6* be allowed and paid out of the Publick Treasury to Mr. *Joseph Chadbourn*, to discharge his Accompt.

Sent up for Concurrence.

A Petition Signed by 80 Inhabitants of this Province, praying for a Tract of Land, about 8 miles square, very convenient for two Townships, Lying Northward of the two new Towns, Westward of *Dunstable* on both sides of *Sohegan* River.

Read and referred to the next Sessions. [46]

Thomas Hutchinson and *Spencer Phipps* Esqrs. brought down the Resolve of this House for the Supply of the Treasury. Passed on in Council with Amendments.

Read and Non-Concurred.

Resolved, That this House Insist on their former Vote. Sent up also a Vote of the Board on the *Salisbury* Complaint. Passed on in Council, and sent down for Concurrence. Read and Non-concurred. Sent up.

Samuel Partridge Esqr. brought down the Form of the Bond to be given by the Commissioners of Excise, with Amendment.

Read and Concurred. Sent up.

A Bill for determining Differences, by obliging Witnesses to appear before Justices of the Peace, &c. Read and referred to the next Sessions.

Voted, That the House proceed to Granting Allowances this Day.

An Accompt Signed, *Joseph Marion* for Engrossing Acts, and other Writings done for the House in *March* and this Sessions amounting to *l. 3 19 6*.

Read and

Resolved, That the Sum of *Three Pounds Sixteen and Six-pence* be allowed and paid out of the Publick Treasury to Mr. *Joseph Marion*, to discharge said Accompt.

Sent up for Concurrence.

Samuel Sewall, *Penn Townsend*, *Samuel Partridge*, *Addington Davenport*, and *Paul Dudley* Esqrs. brought down a Written Message from the Board, viz.

To Enquire what were the Special grounds and reasons that induced them to Vote the Dismission of *Jeremiah Dummer* Esqr. from being any longer Agent, that so the Board may have the just consideration thereof, and proceed properly in a matter of such Consequence.

Ordered, That Mr. *Cooke*, Mr. *Clarke* and Mr. *Coffin*, be a Committe to prepare an Answer to the said Message.

Mr. *Cooke* from the Committee Reported, *viz.*

In the House of Representatives *June 27. 1721.*

O*rdere*d, That a Message go up to the Honourable Board, and Inform; That the Vote for Dismissing *Jeremiah Dummer* Esqr. from his Agency, was after the House had a long Debate, and Consideration of Mr. *Dummer's* Agency, and carried by a very great Majority upon such grounds and reasons as were sufficient to bring them into such a determination. But for the Board to send a Message to Enquire, what were the special grounds and reasons that induced them to Vote as they did, is what this House humbly conceives was never before this instance desired or expected from them in a Matter of this nature; and should the House now come into such a Concession, it would tend to abridge the Rights and Privileges of this House. And therefore this House desire the Honourable Board to proceed upon the Vote respecting Mr. *Dummer*, as hath been the constant Usage and Practice of that Board, by Concurring, or Non-concurring the Votes of this House.

Sent up by Mr. *Cooke*, Mr. *Clarke*, Mr. *Hutchinson*, Mr. *Coffin*, Mr. *Throop*, Mr. *Goff*, Mr. *Quincey*, Mr. *Knowlton* and Mr. *Parsons*.

Then the House Adjourned till to Morrow Morning Nine a Clock. [47]

Mercurii 28. Die Junii. 1721. A. M.

A Message from the Board by *Samuel Partridge*, *Edmund Quincey*, and *Spencer Phipps* Esqrs. who brought down the Resolve for Supply of the Treasury, with Amendments and Reasons for the Amendments, *viz.*

In Council *June 27th 1721*

Ordered, That a Message be sent down to the House of Representatives, that the Board adhere to their Amendments, on the Vote for Emitting of *l. 5000* for the following Reasons.

1. As to their inserting those words (for the Defence and Support of the Government, and necessary Protection and Preservation of the Inhabitants of this Province) the Board propose the said Amendment as being agreeable to the directions in the Royal Charter in that Case.

2. For that upon searching into Presidents, the Board find the Vote of the Honourable House for Apportioning the Money Granted, to differ very much from, and the amendment proposed by the Board to be very agreeable to what the General Assembly have practised in their Grants for Supply of the Treasury.

3. For that by this unusual Restraint or limitation of the uses of the Money Granted; The affairs of the Government may very much suffer and be discouraged, if no provision be made in the Grant for defraying of such charges as are

incident and unavoidable, in the Support and Defence of the Government, and the Protection and Preservation of the Inhabitants.

Secondly. As to the other Article, the Board are of Opinion, that it is both for the Interest and Honour of the Province, by all Methods possible, to keep up the Value of the Bills of Credit, and therefore seeing the Produce of the Country, is ordered to be Paid into the Treasury, care should be taken that the Price of every Species, should be set at a very moderate Value or Rate, so as that there may be no difficulty.

Josiah Willard Secretary.

Read & Non-Concurred.

Resolved, That the House adhere to their former Vote. Sent up.

Benjamin Lynde, Thomas Hutchinson, and Thomas Fitch, Esqrs. brought down the following Message from the Board, *viz.*

In Council *June 28th 1721* *Ordered*, That a Message be sent to the Honourable House of Representatives, *viz.* That the Board in their Message Yesterday Referring to Mr. Agent *Dummer*, had no design of Abridging the Rights & Privileges of the House, or to ask every Reason for their Voting in that matter as they did, all that the Board meant in their Message was; That if the House have any Letters, or other Accounts of Mr. *Dummer's* Management in his Agency, inducing them to such a discrimination: The Board might, & now may have the View and Consideration thereof, that so they may come to such a Resolution in that Affair as may be just, and for the Interest and Service of the Province.

Josiah Willard Secretary. [48]

Ordered, That Mr. *Parsons*, Mr. *Dudley*, Mr. *Stacy*, Mr. *Buckminster* Mr. *Stone*, Mr. *Came*, Mr. *Goff*, and Mr. *Stephen Peirce*, go up to the Board, and Inform his Excellency and the Council; That the House hath nothing before them, and are very desirous to Rise this Day.

Who Returned, That his Excellency said, If they had nothing, he had something that might prevent their Rising this Day.

Mr. *Moor*, according to order presented a Bill Intiuled, An Act, *to Enable the Town of Oxford, to Recover the Tax laid on the Lands of the Non-Residents, &c.*

Read and Referred to the next Sessions.

Ordered, That Mr. *Davenport*, Mr. *Austin*, and Mr. *Perkins*, go up to the Board and Inform them, That this House hath no other Letters Relating to the Agent, then those that were sent up, and further desire the Board to Pass upon the Vote of this House, Referring to the Agent after the usual Method by Concurring or Non-Concurring.

Mr. President *Leverett*, was admitted into the House, and Informed the Speaker, That the Corporation had agreed upon a private Commencement on this Day. That he had Invited his Excellency and the Council to it, and that he was now come to Invite this Honourable House.

Ordered, That Mr. *Dudley* go up to the Board, and inquire, Whether they have any thing to send down this Morning, who Returned, that they were ready to send something down.

Penn Townsend, and *Edward Bromfield* Esqrs. came down from the Board and Informed the House, That the Vote for Dismissing Mr. Agent *Dummer*, was Unanimously Non-Concurred by the Board.

A Message by Mr. Secretary, that his Excellency designs to Adjourn the Board till to Morrow Morning Ten a Clock.

And then the House Adjourned till to Morrow Morning Ten a Clock.

Boston, Printed by **Nicholas Boone**, Printer to the Honourable House of
Representatives. 1721. [49]

VOTES

Of the House of Representatives.

Tobis 29 Die Junii. 1721. A. M.

Samuel Partridge Esqr. Brought down a Bill for the Relief of *Gyles Dyer* Gent. against a Judgment obtained by Mr. *John Barnard*, Merchant, &c.

Read a 1st and 2d time.

Jonathan Dowse, *John Turner* and *Spencer Phipps*, Esqrs. Brought down from the Board, a Proposal for a Conference with the House about the Resolve for the Supply of the Treasury, & that the Board had made Choice of *Addington Davenport*, *Thomas Fitch* and *Paul Dudley* Esqrs on the Part of the Board. Sent down for Concurrence,

Read and Non-Concurred,

Sent up by Mr. *Came*.

Post Meridiem.

A Bill for the Relief of *Gyles Dyer*, Gent. Against a Judgment obtained by Mr. *John Barnard*, Merchant, &c. Read a 3d time, and

Concurred. Sent up.

A Message by *John Turner* Esqr. That his Excellency and Council are desirous to have the Opinion of this Honourable House, Whether the *Indian* Hostages, (who are not capable of Subsisting themselves) should be supplied at the Province Charge, or sent to their Tribe.

Resolved, That the consideration of this Question be deferred till the Treasury be Supplied.

A Message by *Spencer Phipps* Esqr. viz. In Council, *June 29. 1721.*

Voted, That the Justices of the Peace for the County of *Suffolk*, be allowed to meet at *Boston*, for the Granting Licences to the Innholders, Retailers, &c. of the Town of *Boston*, at their next General Sessions, notwithstanding an Act of this Court for the Removing of the Court of General Sessions of the Peace, to the Town of *Roxbury*.

Sent down for Concurrence.

Read and Concurred. Sent up.

A Message from the Board by *Jonathan Dowse* and *John Turner* Esqrs. viz. In Council, *June 29. 1721.*

Ordered, That a Message be sent down to the Honourable House of Representatives: That seeing the House have rejected the Amendment made on the Resolve for Emitting the Sum of *l. 5000* for Supply of the Treasury, and the Message of the Board thereon. The Board are desirous to know what Method the

House propose to defray such unforeseen and contingent Charges as may necessarily arise for the Support of the Government, during the Recess of the General Assembly.

J. Willard, Secretary. [50]

Ordered, That *Capt. Gardner* Go up to the Board, and desire that the Resolve of this House for the Supply of the Treasury may be sent down.

The Resolve of the House for the Supply of the Treasury was brought down by *Addington Davenport Esqr.*

Ordered, That *Mr. Cooke*, *Mr. Dudley* and *Mr. Gardner* be a Committee to draw up an Answer to the last Question. Sent down by the Board.

Samuel Thaxter Esqr. brought down an Engrossed Bill, Intituled, An Act, *For the Relief of Gyles Dyer, Gent. Against a Judgment obtained against him by John Barnard, Merchant, &c.* Read and Resolved, that the Bill do pass to be Enacted.

Sent up.

Ordered, That *Mr. Samuel Came* have liberty to go home upon urgent Affairs, as Commissioner of the *l. 100000* Loan.

Mr. Cooke from the Committee Reported,

WHereas in the Resolve of this House for Supply of the Treasury, Passed the 23d Instant, The several Uses, as Paying Grants, Salaries, Allowances and Supporting Garrisons are enumerated and further Provided, and that no part of that Money be drawn out of the Treasury, for any other Ends and Uses whatsoever. Notwithstanding which, when any Unforeseen and Contingent Charges necessarily arise, for the Support of the Government during the Recess of the General Assembly in all such Exigencies, the Charges shall either pass the whole Court, for approbation and payment, or be first Examined and Allowed by a Committee of this House, to be appointed for that purpose, before a Warrant be Issued for payment of such Charges.

Read and Accepted.

Sent up for Concurrence.

And then the House Adjourned till to Morrow Morning Ten a Clock.

Veneris 30 Die Junii. 1721. A. M.

Thomas Fiich Esqr. from the Board acquainted the *Speaker*, That the Message sent up last night, relating to Contingencies, was unanimously Non-concurred at the Board.

Ordered, That *Mr. Davenport* Go up to the Board, and desire that the Papers relating to the Emission of *l. 5000* for Supply of the Treasury be sent down.

The Papers were brought down by *Benjamin Lynde Esqr.*

Resolved, That *Mr. Cooke*, *Mr. Gardner*, *Mr. Clarke*, *Mr. Quincey*, *Mr. Stone*,

Mr. *Throop* and Mr. *Coffin* be a Committee to consider the Message from the Board of *June* 29. proposing a way to defray the contingent Charges that may necessarily arise, during the Recess of the General Assembly.

Ordered, That Mr. *Freeman* Go up to the Board, and desire that the Treasurers Accompts may be sent down. Sent down by *Samuel Partridge Esqr.*

Post Meridiem.

Mr. *Cooke* from the Committee Reported,

Ordered, That a Message be sent up to the Honourable Board, in Answer to their Message of the Board of 29th Instant, respecting the Resolve for supplying the Treasury.

That the House are of Opinion, notwithstanding a Clause in the aforesaid Resolve of the unforeseen and contingent Charge that may necessarily arise for the [51] Support of the Government, during the Recess of the General Assembly, may be defrayed with as much honour and justice to the Government, and satisfaction to the persons employed by the Publick as heretofore, and the affairs and business of the Government no ways retarded; for that when such Accompts of Charges shall be laid before the Court, for allowance and payment, they will have a just consideration and ready allowance. And it is observable, in perusing the Treasurers Accompts, that the several Sums therein charged, that do not arise under the ends & uses enumerated in the Emission, for supply of the Treasury, are few and small, and paid to such persons, and for such Service, That the Accompts may be as well Examined by the General Court as the Council only, and no injury or injustice done to any person, by being kept out of their Money. But if at any time in the Recess of the Court, any unforeseen charges necessarily arise for the defence and support of the Government, and the necessary protection and preservation of the Inhabitants of this Province that demand prompt payment: That then, and in every such case, and no other, payment may be ordered by Warrant upon the Treasurer; tho' the Articles of Charge do not come under any of the ends and uses before Enumerated; provided any Draught or Draughts happen to be made on this Emission, and do not come fully and plainly under some of the heads above-mentioned, they shall not be allowed in passing the Treasurers Accompts, being contrary to the Direction of the Royal Charter, as well as the intent and meaning of this Court, in the Grant for supply of the Treasury.

Sent up for Concurrence.

Spencer Phipps Esqr. brought down from the Board a Written Message, *viz.* In Council, *June* 30. 1721. Whereas a Difficulty hath arisen at the Board, as to the meaning or construction of the Message from the Honourable House of Representatives sent this Afternoon upon the Vote for Emitting the Sum of *l.* 5000 for Supply of the Treasury.

Ordered, That *Addington Davenport*, *Thomas Fitch* and *Samuel Thaxter* Esqrs. be a Committee to Conferr with a Committee of the House, in order to their coming to a full understanding of the true Import and Design of the said Message.

Sent down for Concurrence.

Read, and Non-concurred. Sent up.

Ordered, That *Mr. Cooke*, *Mr. Goff* and *Mr. Gardner* be a Committee to prepare a Draught respecting the said Message, last sent down from the Board.

A Message from the Board by *Jonathan Dowse* Esqr. That the Vote of this House sent up this Afternoon, is unanimously Non-concurred, and that if the House have nothing else to send up this night, his Excellency will Adjourn the Board till *Tuesday* next.

Ordered, That a Message Go up to the Board, and desire his Excellency and Council would not Rise immediately, for that a Message was coming forthwith from the House.

Resolved, That a Message Go up to his Excellency, desiring, That if his Excellency see cause to Adjourn the Court, it may be for Fourteen Days at least, That so *Mr. Speaker* may have time to Call in all the Absent Members of the House. And that his Excellency would be pleased to give Order, That all the Members of the Board may attend their Duty upon the Adjournment.

Sent up by *Mr. Clarke*, *Mr. Throop*, *Mr. Quincey*, *Mr. Herrick*, *Mr. Barnard*, *Mr. Stevens*, *Mr. Gorham*, *Mr. Stone*, *Mr. Davenport*, *Mr. Parsons* and *Mr. Menzies*. [54]

A Message from the Board by *Mr. Secretary*, That his Excellency has Ordered him to Acquaint this House, that he thinks it not for His Majesties Service, nor the Safety of the Government to make any long Adjournment of this Court, till the necessary Supply of the Treasury be agreed on; and therefore shall Adjourn no longer than till *Tuesday* next, at Ten a Clock in the Morning.

And on a Second Message by *Mr. Secretary*, he advised the House, that he had Adjourned the Council till *Tuesday* Morning Ten a Clock.

Then the House Adjourned till Tuesday Three a Clock Afternoon.

VOTES

Of the House of Representatives.

Martis 4 Die Julii. 1721. P. M.

O *Ordered*, That Mr. *John Foster* Go up to the Board, and Enquire after a Bill, for the more easie Levying and Regulating Souldiers, which was Referred to this Sessions.

Resolved, That the Clerks of the General Sessions of the Peace through the several Counties of this Province, during the continuance of the Act, *For Granting to His Majesty an Excise upon Wines, Liquors, &c.* Sold by Retail, Be hereby obliged yearly to deliver to the Commissioner of Excise in their respective Counties a true List of all the Inn-holders, Taverners and Retailers that shall obtain Licence to Sell or Retail Strong Drink in the said County within fourteen days after such Licence obtained.

Sent up for Concurrence.

Ordered, That Capt. *Gardner* Go up to the Board, and desire, That if the Board do not see cause to act upon the Bill for the more easie Levying and Regulating Souldiers, they would be pleased to send it down.

A Bill for the more easie Levying and Regulating Souldiers, was brought down by *John Cushing* Esqr. Read a first time.

Nathaniel Norden, John Burrill and John Turner Esqrs. with Mr. Secretary *Willard* brought down a written Message, *viz.* In Council, *July 4. 1721.*

Ordered, That a Message be sent to the Honourable House of Representatives, That considering the Misunderstanding that has arisen between the Board and the House upon their Resolve for *l. 5000* for Supplying the Treasury, and especially for that there is not (as the Board apprehended), a sufficient provision for the Governour and Council to draw upon the Treasury for such incident and unavoidable Charges or Expences, that shall be necessary for His Majesties Service in the Support of the Government, the Protection and Defence of the Inhabitants of this Province. The Board desire, That the House for the facilitating and dispatching the Affairs of the Court, would come to a new Resolve for the said Sum, or so much as shall be thought necessary for supply of the Treasury.

Then the House Adjourned till to Morrow Morning Nine a Clock.

Mercurii 5 Die Julii. 1721. A. M.

THe House being informed, That the *Eastern* Indians had paid some part of the Beaver Skins agreed upon for the Support of their Hostages, and satisfying Damages, &c.

Ordered, That Capt. *John Gyles*, and Lieut. *Joseph Heath* be directed to attend this House, by Summons Signed by the *Speaker*.

Ordered, That Mr. *Cooke*, Mr. *Stone*, Mr. *Knowlton*, Mr. *Throop* and Mr. *Hutchinson* [56] be a Committee to prepare an Answer to the last Message. Sent down from the Board.

A Letter Signed *Negusguard*, and *Otobahanscut*, by Order of the *Foxes* and other Chiefs. Dated at Fort *George*, June 5. 1721. desiring that their *Indian* Friends may be sent to *Arowsick* per the first, where they will meet them, with Skins according to promise. Was sent down from the Board, and Read.

A Bill for the more easie Levying and Regulating of Souldiers.

Read a 2d and 3d time, and passed to be Engrost.

Sent up for Concurrence.

Mr. *Cooke* from the Committee Reported,

That a Message be sent up to the Honourable Board, in reply to the Message sent down the 4th Instant.

That the Resolve for *l. 5000* for Supply of the Treasury hath made as full and sufficient provision for the Governour and Council to draw upon the Treasury for incident and unavoidable Charges, as is either reasonable, or for the Safety of the Government, and comports with the clause in the Royal Charter, Impowering this Court to Impose and Levy proportionable and Reasonable Assessments, Rates and Taxes upon the Estates and Persons of all and every the Proprietors or Inhabitants of the said Province and Territory, to be issued and disposed of by Warrant, under the hand of the Governour of the said Province for the time being, with the Advice and Consent of the Council, for the Service, and in the necessary Defence and Support of the Government of the said Province or Territory, and the protection and preservation of the Inhabitants there, according to such Acts, as are, or shall be in force within said Province. By which Clause it is most certain, That what Money shall from time to time be Levied as aforesaid, may and ought to be appropriated to such ends and purposes as the General Court may, or shall agree upon; provided they are for the necessary defence and support of the Government, and the protection and preservation of the Inhabitants. And those words in the Charter (*for our Service, &c.*) cannot give the Governour and Council, a Power to draw upon the Treasury for any Service, unless such Service come under some of the Ends, and Uses appropriated by the whole Court; but those words stand rather as a plain declaration or caution, That what Money shall be Levied upon the People must be for the Service of the Province.

Sent up by Mr. *Goff*, Mr. *Davenport*, Mr. *Spurr*, Mr. *Gardner*.

Post Meridiem.

Samuel Sewall and *Addington Davenport Esqrs.* brought down an Accompt Signed *Thomas Durill*, amounting to l. 7 4 10 for Victualling Capt. *Bant*, sent by the Justices of the Superiour Court, as a Prisoner to *Barbadoes*, and the two Witnesses that were sent to accuse him. Read.

Question. *By the Royal Charter the Governour for the time being, having Authority from time to time at his discretion, to Assemble and Call together the Councillours or Assistants, the Governour with the said Assistants, or Councillours, or seven of them at least shall, and may from time to time, hold and keep a Council, for the ordering and directing the Affairs of the Province?*

Whether the Calling together the Councillours for the end and purpose above, is not meant and intended to be in the Recess of the General Court only?

And further the said Charter Wills and Ordains, That there shall be Held, Convened [57] and Kept by the Governour, upon every last *Wednesday* in the Month of *May* every year yearly for ever a Great and General Court or Assembly; which said Great and General Court or Assembly is to consist of the Governour and Council, or Assistants for the time being, and of such Freeholders as shall be Elected by the major part of the Freeholders, and other Inhabitants of the Respective Towns they shall be Chosen for.

Now inasmuch as there is no express provision what number of Councillours shall be sufficient, to Sit in the General Court, whether the Majority of the Councillours at least are required to be present to make up that part of the Legislature, in order to Making Laws, Statutes and Ordinances, and all other Acts of Government; Or had it been otherwise designed, whether the like Care would not have been taken to enable a less number to make a Quorum during the being of the General Court.

In the House of Representatives.

Read and Resolved, That when the Governour and seven of the Councillours may hold and keep a Council, it is intended to be in the Recess of the General Court, and that Sitting the General Court, the Majority of the Members of the Council at least must be present during the Sessions of the General Court to make a Quorum, or a number sufficient to make up that part of the Legislature, for making Laws, Statutes and Ordinances, and Imposing and Levying Assessments, Rates and Taxes upon the Estates and Persons of this Province; and all other Acts and Elections to be Transacted in the General Court.

Sent up for Concurrence by Mr. *Menzies* and Mr. *Hubbard*.

Capt. *John Gyles*, and Lieut. *Joseph Heath* were admitted into the House, and being inquired of, Informed the Speaker, that the *Indians* brought to Fort *George*, twenty three Beaver Skins, weighing *Forty Seven Pounds*, which he delivered to Capt. *Moodey*, and that they were now at *Arowsick*, with the remaining part of

the Skins, and expected the Hostages should be delivered to them upon the payment of the Skins, as he was informed; and that he had given his Excellency a full account of all in Writing.

That he was further informed, the *Indians of Areseguntacook* upon *St. Lawrence River*, had been at *Kenebeck* when *Col. Walton* was there, and delivered two Belts to him for the Governour.

Ordered, That *Capt. John Gyles* by Summons from the Speaker, directed to *Capt. Tuthill*, Go to *Castle William*, and enquire of the last Hostage concerning this *Affair*, &c.

And then the House Adjourned till to Morrow Morning Ten a Clock.

VOTES

Of the House of Representatives.

Jobis 6 Die Julii. 1721. A. M.

O*rdere*d, That Capt. *Throop* Go up to the Board, and desire that the Resolve of this House for Supply of the Treasury, with the Subsequent Papers relating to that Resolve may be sent down.

*Order*ed, That Col. *Goff* Go up to the Board, and Inquire, Whether they had Passed on the Bill for Levying Souldiers, &c. Who Returned they had it under consideration.

Post Meridiem.

Resolved, That the Treasurer be and hereby is directed to Issue forth and Emit, the Sum of *l. 5000.* of the Bills of Publick Credit, that are or shall be Received into the Treasury, for Payment of the Publick Debts of this Province already Contracted, and for Payment of Grants, Salaries, and Allowances, made and to be made by this Court, and for Payment of all unforeseen Charges necessarily arising in the Recess of this Court, for the Defence and Support of the Government, and the Protection and Preservation of the Inhabitants of this Province, Whether occasioned by Pirates, or any other Invasion by Sea or Land, or by any other ways or means that demand prompt Payment, and for Payment of Expresses dispatched in the Service of this Government, and for the Supplying and Supporting the Charge of the Castle, Forts and Garisons, and Wages arising for their Service, (Provided the Muster-Rolls, or any Accompt of Charge or Expence on the Castle, Forts and Garisons shall not be Paid, until such Muster-Roll or Accompt of Charge or Expence hath been Examined and Allowed of by this Court,) And for no other Ends or Uses whatsoever, according to such Draughts as from time to time shall be made upon him by order of the Governour and Commander in Chief for the time being, by and with the Advice and Consent of the Council.

And the said Bills shall Pass out of the Treasury, at the Value expressed in them equivalent to Money, and shall be so taken and accepted in all Publick Payments.

And that the Duties of Impost and Excise, shall be a Fund and Security for the Re-payment and Drawing off the said Bills into the Treasury again, so far as that will reach. And as a further Fund and Security for the same.

It is further *Resolved*, That there be and hereby is Granted unto His most Excellent Majesty, to the Ends and Uses as aforesaid, a Tax of *Five Thousand*

Pounds, to be Levied upon Polls and Estates both Real [60] and Personal within this Province, according to such Rules and in such Proportion upon the several Towns and Districts within the same, as shall be agreed on and ordered by the Great and General Court or Assembly of this Province, at their Sessions in *May, Anno 1731*. And Paid into the Treasury, on or before the last Day of *December* next after.

And, Whereas thro' the Scarcity of Bills of Credit it grows difficult for Persons to convert the Produce of their Lands, and other Effects into Bills, and Pay their Rates in them.

It is further *Ordered*, That the Inhabitants of this Province, shall have liberty (if they see fit) to Pay the several Sums that shall be on them respectively Assessed, in the several Speices hereafter mentioned, at such moderate Rates and Prices as the General Assembly shall set them, *viz.* In good Barrel Beef or Pork, Wheat, Barley, Rye, Indian Corn, Oats, Flax, Hemp, Bees-wax, Butter in Firkins, Cheese, Hides, Tann'd-leather, Dry-fish, Mackrill in Barrels, Oyl, Whale-bone, Bayberry-wax, or Tallow. Which Species shall be Received by the Treasurer of the several Constables or Collectors, and be by him disposed of to the best advantage, for the calling in of said Bills into the Treasury. And if any loss by the Sale of the aforesaid Species, or any other Unforeseen Accident shall arise, then such deficiencies shall be made good by a Tax of the Year next following, so as fully and effectually to call in the whole of the said Sum of *l. 5000* of Bills Emittid as aforesaid.

Sent up for Concurrence, By *Mr. Epps, Mr. Menzies, Mr. Foster, Mr. Hutchinson, Major, Spur, Col. Buckminster, and Mr. Stacy*, who were Ordered to inquire of his Excellency, Whether he had Accepted of the Commissioners of Excise; who Returned, That his Excellency said he had it under Consideration.

The House being Informed, That *Paul Dudley Esqr.* Chosen this Year a Member of His Majesties Council for the Land between *Sagadehock* and *Nova-Scotia*, was not qualified for that Place according to the Direction of the Charter.

Ordered, That *Mr. Clarke, Mr. Gardner, Mr. Austin*, Go to *Paul Dudley, Esqr.* to acquaint him with it, That he may show forth how he is a Proprietor in any of those Lands.

Who Returned, That he said, it was too late now, they should have inquired into it before the Election, That *Mr. Speaker* had Returned him a Counsellor, That formerly he had a Deed from *Mr. Leverett*, & given it up to him again; But before the last Election he procured another Deed from *Mr. Partridge*, which he would not Expose to the House, but would show to any two or three of the Members.

Ordered, That *Capt. Gardner* Wait on his Excellency the Governour, and desire the House may have a sight of the Memorial, that *Capt. Gyles* gave to him relating to the Eastern *Indians*.

Capt. *Gyles* Returned, and Informed Mr. Speaker, that according to Order he went to Castle *William*, with the Letter to Capt. *Tuthill*, where he was informed that the Capt. was at *Boston*, he desired the Commanding Officer, that the Letter might be immediately dispatched to him, & that he [61] would wait there for an Answer, which he tho't he was to Report to the *Speaker*, after he had tarried several Hours, *Laribe* Returned & said he delivered the *Speakers* Letter to Capt. *Tuthill*, & that Capt. *Tuthill* had sent it to his Excellency at *Cambridge*, and did not propose to come down till the Evening; whereupon he made all possible dispatch to *Cambridge*, to give an Account of his proceedings.

Mr. Secretary *Willard*, brought down Capt. *Gyles's* Letter or Memorial to his Excellency, Which was Read.

Ordered, That an Express be sent to Capt. *Zachery Tuthill*, forthwith to attend this House, and to give the Reason for his neglecting to Comply with the Order of the *Speaker*, per Capt. *Gyles*.

A Message by *Nathaniel Norden* Esqr. That his Excellency and the Board have Concurred with the Resolve of this House, for the Supply of the Treasury.

Ordered, That Mr. *Clarke*, Mr. *Gardner* and Mr. *Austin*, Go to *Paul Dudley* Esqr. and Inform him, That this House expects he produce his Deeds for his Interest between *Sagadehock* and *Nova Scotia*, by to Morrow Morning, and lay them on the Table.

Then the House Adjourned till to Morrow Morning Ten a Clock

Ueneris 7 Die Julii. 1721. A. M.

Ordered, That the Accompt of *Samuel Checkly* Esqr. Treasurer for the County of *Suffolk*, which was Referred to the next Session be Reconsidered, Read, And Ordered, That the Accompt be Allowed all, except that Article of l. 6 — 8 — 9 drawn on him by the Judges of the Superiour Court.

Sent up for Concurrence.

Capt. *Zachery Tuthill*, according to Order appeared and Informed Mr. *Speaker*, That his Superiour Officer was persent when his Honours Letter was delivered to him, that he took it and sent it to his Excellency, that upon the Return of the Letter, he made hast to comply with the Order of the House, but Capt. *Gyles* was gone from the Castle before he came down, & that he gave no answer to Capt. *Gyles*. Which Excuse was Accepted by a Vote of the House. And then withdrew.

Ordered, Mr. *Davenport*, Mr. *Alden* and Mr. *Dickinson*, Go up to the Board, and acquaint his Excellency, That the House was desirous to know, Whether his Excellency had Accepted of the Commissioners of Excise. And that they might Rise this Day.

And whether the Board had Considered the Question, sent up Relating to the Number, of Councillors &c. Who Returned,

That the List was still under Consideration.

That when his Excellency saw what the House had done, he would think of their Rising,

That the Question was Read by the Council.

Mr. *Clarke*, from the Committee Reported, That they had been a Second time with *Paul Dudley Esqr.* And delivered the Message of this House to him, and that he Returned the same Answer, *viz.* That he would not lay his Deed before the House, for that possibly they might Vote it an Illegal Deed, but he would show it to the Committee if they would Read it.

Ordered, That Mr. *Cooke*, Mr. *Throop*, Mr. *Quincey*, Mr. *Clarke*, and Mr. *White*, [62] Go up to his Excellency the Governour, and acquaint him that this House are desirous, That the four Indian Hostages at Castle *William* may be sent for to *Cambridge*, because they have some things of Importance to communicate to the Court.

Who Returned, That his Excellency said it was very well.

The House proceeded to consider the Answer of *Paul Dudley Esqr.* and his Refusal to comply with the Order of the House, to lay his Deed before them.

And the Question being put, Whether his Answer and Refusal, to comply with the Order of the House, is not an Affront to the House.

It Passed in the Affirmative.

Ordered, That Mr. *Clarke*, Mr. *Gardner*, Mr. *Hutchinson*, Mr. *Throop* and Mr. *Davenport*, Be a Committee to Draw up a Resolve of this House about the Affront, that has been offered to them by *Paul Dudley Esqr.*

Post Meridiem.

Mr. *Clarke*, From the Committee Reported, That they having perused the several Messages sent to *Paul Dudley Esqr.* and his Answers thereto, which the House have Voted an Affront offered them. And the said *Paul Dudley Esqr.* still declining to send his Deeds into the House (if any he hath) for his Lands lying between the River of *Sagadahock* and *Nova Scotia*, His so Refusing to shew forth his Deeds is Reason sufficient for this House to Believe, That he is no Proprietor of Land within that Territory; And therefore *Resolved*, that his Election is Null and Void, and he not qualified to sit as a Member of His Majesties Council, untill he make out to this Court, That at the time of his Election he was a Proprietor in some of those Lands.

Sent up for Concurrence.

By Mr. *Hubburd*.

Ordered, That Mr. *Jones*, Mr. *Hutchinson*, Mr. *Sanford*, Mr. *Knowlton*, Mr. *Stevens*, Mr. *Lucas*, and Mr. *Freeman*, be a Committee, to go up to the Board, and

inquire of his Excellency, Whether, he has Accepted the Choice of the Commissioners for the Excise, that they might proceed to finish and Rise this Night.

Who Returned, That his Excellency said he had sent down Ten times, That he had the List under consideration. And, That he might as well send down to the House to know what they had done about his Salary. And that the House knew what they had before them.

A Message from the Board, by *John Cushing, John Burrill* and *Samuel Thaxter*, Esqrs. That the Sessions had now continued a long time sitting, and they have nothing before them, are willing to Rise this Night.

And then the House Adjourned till to Morrow Morning Nine a Clock. [63]

Sabbati 8 Die Julii. 1721. A. M.

Ordere*d*, That Mr. Cooke, Mr. Knowlton & Mr. Gardner, Be a Committee to draw up a Memorial on his Excellencies delaying to Pass upon the List of the Commissioners of Excise till he knows what the House will give to him.

A Message By *Thomas Hutchinson* Esqr. That the Board have Unanimously Non-Concurred the Vote Respecting *Paul Dudley* Esqr.

A Message by *Nathaniel Norden* Esqr. That his Excellency desired to know, Whether the House had concluded what to do on the Message from his Excellency and Council, for the Supply of the Indian Hostages.

Ordered, That Capt. *Gardner* Go up to the Board, and acquaint his Excellency, That the House is preparing a Message to be sent up to him.

Ordered, That Mr. *Speaker*, Mr. *Cooke*, Mr. *Clarke*, Mr. *Goff*, and Mr. *Austin*, be a Committee of this House, to join with such as the Honourable Board shall Appoint, to conclude what shall be done with those Hostages, in the Recess of the General Court. Sent up by Mr. *Freeman*.

In the House of Representatives.

May it Please your Excellency, The Honourable Board in Conjunction with the House, on the 20th of *June* last past, proceeded to the Election of a Treasurer, Impost Officer, and the Commissioners for Excise in the several respective Counties of the Province. That on the 24th, the House Sent up a Message to your Excellency, to know your Pleasure concerning those Officers; who Returned, That your Excellency had it under Consideration; and then on the 28th of the said Month, the House having nothing before them, Sent up a Message, Praying your Excellency that they might Rise. And on the 7th Instant another Message was sent touching those Officers, and an Answer Returned as before, and then in the Afternoon of the said Day, the House sent up another Message Respecting the aforesaid Officers, with a desire the House might Rise; Who Returned for answer, That your Excellency said you had sent down Ten

times, That you had that List under Consideration, and that you might as well send down to the House, to know what they had done about your Sallary, and that the House knew what they had to do.

We would therefore beg leave, to take so much freedom with your Excellency, our Case and Circumstances likewise calling for it, to acquaint your Excellency, That it hath been the Constant & well approved Practice of the House of Representatives, to have all Acts, Resolves, Elections and Determinations of the Court, fully Compleat and Issued before they enter upon Allowances and Gratuities. And it is no little concern to this House, to see your Excellency press the matter of your Allowance so far as you have done, by your Excellencys Answer sent down Yesterday afternoon. And we cannot think it expedient for this House to forego the method so long Practised, to the great satisfaction of the Representative Body, & the good People whom we Represent. [64]

Sent up by Col. *Spurr*, Mr. *Fairbanks*, Mr. *Rand*, Mr. *Brown* and Mr. *Stacey*.

Then the Indian Hostages were Ordered into the House, Capt. *John Gyles* being with them as Interpreter, and Mr. *Speaker* asked them several Questions, Relating to the Eastern Parts, &c. To which they Answered severally as follows,

That they were well, and well Provided for at the Castle.

That they were very desirous to appear before the Great Council, because they knew that the Indians of *Reunock*, *Segunticook* and *Norrigawock*, had presented Two Belts to Col. *Walton*, at *Arowsick*, for the Government, as a Pledge of their desire to continue in Peace with the English, and they heard that they were not yet delivered: That Col. *Walton* would not Receive the Presents on the first Day of the Treaty, because they were not weighty enough, but afterwards Received them, & *Abemahawke*, one of the Hostages was present, & saw them delivered to him:

That their Tribe had Promised to Pay 200 Skins, Large and good, for Damage done to the *English*, and had already delivered Twenty Seven of them at *Fort-George*, Twenty two more at *Arowsick*.

That the Copy of the Agreement made with Col. *Walton* and Capt. *Moody* was not left with their Tribe, nor did they understand that they were to Maintain themselves here, but were to remain only as Hostages till the 200 Skins were Paid, and then to return home. And then withdrew.

Mr. Secreatary *Willard* Brought down a Written Message, which he Read, as follows. His Excellency Commands me to acquaint this Honourable House, That he had Received their Message, in which it is alledged, That it has been the constant and well approved Practice of the House of Representatives, to have the Acts, Resolves, Elections and Determinations of the Court fully compleat and Issued, before they enter upon Allowances, &c.

In Answer to which he observes to the House, That for some Sessions last past, he has delayed Signing the Acts of Assembly, till after the Allowances were

Passed, and that he finds, that the constant Practice, till within about two Years, has been for the Governour to Sign the Acts, Resolves, Orders and Elections of the Court (excepting the Election of Counsellours) in the Books after the Court is up, & not in the Originals, which will fully appear by looking over the Books & Files in the Secretaries Office. And therefore he expects, That the House Proceed in the affairs of the Court that are yet before them, and bring them to an Issue, and they may depend on it, That he will Sign every thing that is before him, before the Court Rises.

A Message by *John Burrill* Esqr. That his Excellency and the Board, will sit in the after part of the Day, if there be a likelihood of finishing the business of the Sessions.

After a long Debate on the Message from his Excellency by Mr. Secretary.

The Question was Put, Whether the House will go upon Granting Allowances, before his Excellency has Passed on the Acts, Resolves and Elections of this Sessions.

And, It Passed in the Negative? Sent up,

A Message by Mr. Secretary *Willard*, That his Excellency the Governour expects the House to attend him in the Council Chamber immediately. Mr. *Speaker* and the House went up, and then Mr. Secretary declared, That it was his Excellencies pleasure, That this Great and General Court should be Adjourned to Monday the 10th Day of *July*, Three a Clock, *Post Meridiem*.

VOTES

Of the House of Representatives.

Lunee 10 Die Julii. 1721. P. M.

MR. Secretary *Willard*, came into the House and acquainted them, That his Excellencies Pleasure was, that this House as well as the Honourable Board should be Adjourned, till to Morrow Morning Ten a Clock.

Martis 11 Die Julii. 1721. A. M.

A Message by *Thomas Hutchinso* Esqr. viz. In Council July 11 1721. Whereas, His Excellency on Saturday last the 8th Currant, was pleased to Adjourn the General Court unto Monday the 10th Currant at Three a Clock *Post Meridiem*, and his Excellency being Yesterday, necessarily detained at *Boston*, did therefore by a Written Order directed to Mr. Secretary, to Adjourn the Court to 10 a Clock this Morning.

Resolved, That the Court may and ought now to proceed, to dispatch the business still remaining before them.

Josiah Willard Secretary.

Upon Reading the above Vote in Council.

Resolved, That the House also proceed, to dispatch the Remaining affairs of this Sessions.

Post Meridiem.

A Message by *Thomas Fitch* and *Jonathan Dowse* Esqrs. viz. In Council July, 11th, 1721. Ordered, That *Benjamin Lynde*, *Addington Davenport*, and *Paul Dudley* Esqrs. with such as the Honourable House shall appoint, be a Committee to prepare a Bill to Prohibit Trade with *France*.

Josiah Willard Secretary.

Sent down for Concurrence.

Read and Non-concurred.

Ordered, That Messieurs *William Dudley*, *Elisha Cooke* and *William Clarke*, with such as the Honourable Board shall appoint, be a Committee to prepare a Bill effectually, to Oblige all Vessels coming from infected Places to perform their Quarantine.

Sent up for Concurrence.

Ordered, That Mr. *Cooke*, Mr. *Gardner*, Mr. *Clarke*, Mr. *Dudley*, and Col. *Goff*, be a Committee to prepare a draught in Reply, to an Answer from his Excellency, by Mr Secretary *Willard*, the 8th Instant.

The Muster-Rolls from Castle *William* and Fort *George*, being brought to the House for Allowance.

Ordered, That Mr. *Clarke*, Mr. *Coffin*, Mr. *Cooke* and Mr. *Wainwright*, be a Committee to Examine them and make their Report to the House. [66]

Samuel Partridge Esqr. brought down from the Board, Two Letters Relating to the Eastern parts, Which were Read.

Ordered, That Capt. *Throop*, Mr. *Stacey*, Major *Quincey*, Mr. *Epps*, Mr. *Hutchinson*, with such as the Honourable Board shall appoint be a Committee, to take the Counterfeit Bills Sent by Mr. *Jeremiah Dummer*, from *London*, being 520. 20 Signed, and 400 unsigned, and Burn them to Ashes, and to cause the Plates on which they were made to be Defaced.

Sent up by Mr. *Davenport*, who was ordered further to inquire of the Board, whether they have any thing to send down to Night.

And then the House Adjourned till to Morrow Morning Nine a Clock.

Mercurii 12 Die Julii. 1721. A. M.

Capt. *Throop*, from the Committee Reported, that they had meet in the Colledge Kitcken with the Committee of the Board, counted the Bills Sent by Mr. *Dummer*, and found Nine of the Number wanting, that they burnt them in the Oven to Ashes and Defaced the Plates on which they were made.

In the House of Representatives.

May it please your Excellency,

ON Saturday last, Mr. Secretarry *Willard* brought down your Answer to a Message of the House sent your Excellency that Day. In which you observed, that for some Sessions last past, you have delayed Signing the Acts of Assembly till after the Allowances were past; that your Excellency might delay Signing the Acts till after the Allowances were over, no ways contradicts, or is inconsistent with the aforesaid Messages; for that usually in those Sessions, before the House agreed upon the Allowances; The Secretary came from your Excellency, and acquainted the House, that the several Acts and Resolves that had past both Houses, were accepted or approved of by you, which from time to time was satisfactory to the House; and because many times the Acts were not Engrossed at that juncture, and made ready and fit to be Signed; and other reasons that did occasion the delay of Signing them just then.

And your Excellency further Remarks, that till within about two years, the constant practice has been for the Governour to Sign the Votes, Resolves, Orders and Elections of the Court, except the Election of Counsellours in the Books after the Court is up, and not in the Original. In answer to which, this House acquaint your Excellency, that in the year 1715. as soon as the House of Repre-

sentatives were Informed, that the Honourable *Joseph Dudley* Esqr. late Governour of this Province, conformable to the practice of Preceeding Governours, assumed to himself such power of Signing Acts of the General Assembly after the Court was up: They by a Committee gave him to understand, that it was a Custom unknown to them, and in their opinion, he had no Power or Authority to act or do any thing as Head of the Legislature, when they were either Prorogued, Adjourned or Dissolved; and therefore desired the then Governour not to proceed in that Method, which was dangerous and inconvenient, which he then declared, that for the future he would comply with. And if your Excellency has at any time Signed Acts or Resolves, &c. after the Rising of the Court: We His Majesties most Loyal and Dutiful Subjects, the Representatives in General Court now Assembled, do most earnestly desire, that for time to come, all Acts, Resolves, Electi- [67] ons and Determinations that may lie under your Excellency's Acceptance or Refusal, to be signified and declared in Writing, may be done Sitting the Court, agreeable to the present good, and safe Usage and practice.

In the close of that aforesaid Answer, your Excellency intimates, that you expect the House proceeds in the Affairs of the Court before them, and bring them to an Issue, and they may depend upon it, you will Sign every thing before you, before the Court Rises; by which we humbly presume your Excellency intends and means, that the House proceed among other things, to Vote your Excellencies Allowance or Gratuity, before you compleat and finish the Affairs of this Sessions, that have passed both Houses, and want only your Excellency's *Fiat* to be put to them; Which if this House apprehend the matter right, we may venture to say, that it is the first Message of its kind from the Chair to the House of Representatives since our happy Constitution, and no little surprize to hear it now; more especially when we consider, that ever since your Excellency hath been Commissioned Governour over this Province, the Assemblies from time to time have honourably Supported you in that high Station and Dignity; and we hope the Deportment of the present House of Representatives towards your Excellency, hath not given the least just occasion to suspect they will not do what is proper on that Head; and at the same time, your Excellency cannot but know, that it is the undoubted Right of this House to fix all Publick Allowances, the quantity, time and manner of their Payments.

We would therefore in most pressing terms Move to your Excellency, that inasmuch as the Necessary affairs and business of the Court, hath been so far carried on and drawing near to a Close, nothing may now break off the desirable Harmony betwixt your Excellency and this House; And let us further Beseech your Excellency, that if any persons do endeavour to perswade your Excellency into such Measures respecting Allowances, that you would be pleased both for your own, as well as the Publick peace and tranquility of the good people under

your Government, to discountenance and frown upon all such; and take up with, and rest intirely upon the Advice of His Majesties Council on this, and all other Affairs of a Publick Concern.

Read and Accepted.

Sent up by Mr. *Epps*, Mr. *Spurr*, Mr. *Austin*, Mr. *Knowlton*, Mr. *Foster*, and Mr. *Bryant*.

Mr. *Clarke*, from the Committee Reported, that having Examined the Muster-Roll of Castle *William*, they find it right cast and Vouched from the former Roll, must observe that the Capt. bears Three (Negroes) that do no duty viz. *Tom Quaquo*, *John Cooper* and *Peter Slaughter*, the former his waitingman, the other two his Servants employed on his Farm at *Newbury*, and never on the Castle on duty, whose Wages being *l. 12*. The Committee are humbly of Opinion, ought not to be Paid by the Province, but have taken the same out of the Amount of the Muster-Roll, being *l. 329—13—7* so that there Remains due for the discharge of the same, the Sum of *l. 317—13—7* & that Two good effective men be forthwith inlisted in the Room of the said *Cooper* and *Slaughter*.

Read, and *Resolved*, That the Sum of *l. 317—13—7* be Allowed and Paid out of the Publick Treasury to his Honour *William Dummer* Esqr. to discharge the several Sums in the said Muster-Roll.

Sent up for Concurrence.

The said Committee having Examined the Accompts of Victualling the Officers and Souldiers &c. at his Majesties Castle *William*, and find it right cast and Vouched from the former Accompt, but observe that there is [68] charged in said Accompt subsistance for Three men Negroes, and Servants to his Honour the Lieutenant Governour, which have not done any duty at the Castle, viz. *Tom Quaquo*, *John Cooper* and *Peter Slaughter*, the former his Waitng-man, the other two his Servants imployed on his Farm at *Newbury*, never on the Castle on duty, whose Victualling being *l. 13—4—0*. The Committee are humbly of Opinion it ought not to be Paid by the Province, so have taken the same out of the Amount of Victualling, being *l. 274—0—7* so that there remains due for the discharge of said Victualling Accompt *l. 261—16—7* as as *per* the Accompt.

Read, and

Resolved, That the Sum of *l. 261—16—7* be Allowed and Paid out of the Publick Treasury to Capt. *Zechary Tuthill*, to discharge the said Accompt of Victualing Castle *William*.

Sent up for Concurrence.

Resolved, That the Sum of *l. 19—4—6* be Allowed and Paid to Doctor *George Pemberton*, to discharge his Accompt of Medicines, &c. for the Castle.

Sent up for Concurrence.

Mr. Secretary *Willard*, from his Excellency, brought down the following Message, viz.

Mr. *Speaker*.

HIS Excellency has Received a Message this Morning.

And thereupon directs me to acquaint them, that by the Books it plainly appears that in the Session held *November 2. 1720.* His Excellencies Salary was Voted and Brought up from the House, *December 16.* and that he did not pass the Acts till *December 17.* the last Day of the Court.

And further Commands me to inform you, That he has good reason to abide by his Resolution not to Sign the List of Commissioners of Excise, till all the Matters before the House are finished; and that he will not recede from it. In the mean time his Excellency assures this Honourable House, that when the Affairs now depending in the House are concluded, he will Sign every thing before the Court Rises.

Upon which a Motion was made by some of the Members, that the House might go upon Allowances, before the Acts and Elections &c. were Passed upon by the Governour, & the Vote of this House on the 8th of *July* against Granting Allowances before his Excellency had Passed on the Acts, Resolves and Elections of this Sessions being Read, The Question was put,

Whether the House would Reconsider the said Vote,

It Passed in the Negative by a great Majority of Votes.

Several of the Members of the House moved, that inasmuch as *Thursday* the 13th Instant, is Appointed by this Government, to be Solemnized as a Day of Fasting and Prayer, and many of them living upwards of thirty miles distant from Court, so that they cannot conveniently attend the business of the House till *Saturday* next, if they go to their several homes: And it being the constant Usage of the House to Adjourn from *Saturday* before noon, to *Monday* Afternoon; & the Sessions having already continued for a long time, & divers of the Members have not been at home during their Sitting; That therefore the House might be Adjourned to *Tuesday* next, Three a Clock Afternoon. And the Question being put, Whether the House would Adjourn to *Tuesday* the 18th Instant, three a Clock Afternoon; It passed in the Affirmative by a very great Majority. And then Mr. *Speaker* declared the House Adjourned to the time aforesaid.

VOTES

Of the House of Representatives.

Martis 18 Die Julii. 1721. P. M.

THe House Met, And then Adjourned till to Morrow Morning Ten a Clock.

Mercurii. 19 Die Julii. 1721. A. M.

AN Accompt Signed *Daniel Powning*, Amounting to *l. 32—12—2* for charges in looking after the Powder House, &c. Read and Resolved, That the Sum of *l. 32—12—2* be allowed and Paid out of the Publick Treasury to Mr. *Daniel Powning*, to discharge said Accompt.

Sent up for Concurrence by Mr. *Menzies*.

An Accompt Signed *Timothy Clarke*, Amounting to *l. 19—0—7* being for Charges in carrying His Majesties Ship *Sea-Horse*, to *Bird-Island*, by Order of the Governour, she being infected with the Small Pox, and most of the Men gone in quest of Pyrates. Read and

Resolved, That the Sum of *l. 19—0—7* be allowed and Paid out of the Publick Treasury, to Capt. *Timothy Clarke*, to discharge said Accompt.

Sent up for Concurrence by Mr. *Menzies*.

Mr. *Menzies* brought down the two Resolves of this House, and Returned, That his Excellency said he would not Receive any Message from the House; and when he went to lay them on the Board, some of the Council told him, that he must not leave any Messages on the Board, without his Excellencies Allowance.

An Account Signed *Thomas Durrell*, Amounting to *l. 7—4—10* for Provisions Supplied Capt. *Mathias Bant* a Prisoner, and Two Witnesses Sent to *Barbadoes* by him. Read and Dismist.

A Message by Mr. Secretary, That his Excellency expects this Honourable House, forthwith to give their attendance at the Council Chamber.

The House went up accordingly, and his Excellency made a Speech to them, of which Mr. Speaker obtained a Copy, and with it Returned to the House:

Which is as follows,

Gentlemen, of the House of Representatives.

ON Wednesday last before noon, you were pleased without my direction or knowledge, to Adjourn your selves to Yesterday. As this was an Extraordinary proceeding, and never attempted before since my being in the Government, [70] I was willing not wholly to depend upon my own Opinion, but to take the

Advice of His Majesties Council (some of whom have Sat at the Board above Twenty Years) and their Unanimous Opinion was, That your Adjournment was Irregular, and not agreeable to the Royal Charter; and to justifie their Opinion, produced a President during the Government of Sir *William Phipps*, when the House of Representatives made an Adjournment much like yours, without the knowledge and consent of the Governour, but were soon sensible of their Mistake, and acknowledged their Fault. The words of the Record are these.

“The Representatives returning to their House, Sent in Major *Townsend*, Doctor *Allen*, Mr. *Screven*, Mr. *Jewet* and Mr. *Otis* Members of that House, to “acknowledge their Mistake in attempting an Adjournment of their House “without his Excellencies Consent, and crave his Pardon, declaring they should “be cautious for the future of any such practice.

Now Gentlemen, I hope when you come calmly to consider of this Matter, and peruse the Royal Charter, which indeed is the only safe Rule this Government must walk by, you will be of Opinion, That the Power of Adjourning the Great and General Court is wholly Vested in their Governour or Commander in Chief for the time being; and that therefore you have made a Breach upon His Majesties Prerogative, which I am under Oath to take care of. And as you have once and again during this Session, professed your Loyalty to His Majesty and His Government, so I shall be glad you will now give a proof of it, in acknowledging your mistake in making this Adjournment without my leave or knowledge, and this is what I expect before you proceed to any other Business.

I am sensible you have been amused by some sort of men, as if this Adjourning the House were a branch of your Priviledge, and Liberties, and so ought not to be parted with; but sure no just or thinking man that reads the Constitution of this Government, as granted by the Charter, can be of that Opinion; and whatever some men may pretend to fill your ears with, the safety, peace and prosperity of this Government, and so the happy continuance of your Liberties and Priviledges depends upon a strict adherence to the Royal Charter, a modest, wise and thankful Improvement of what is therein granted, with a most Dutiful and Loyal Subjection to the Crown of *Great Britain*, and His Majesties Rightful and Happy Government over us.

Ordered, That Mr. *Epps*, Mr. *Cooke*, Mr. *Clarke*, and Mr. *Wainwright*, Go up to the Board and desire a Copy of the Vote, which His Majesties Council gave to his Excellency, on the Adjournment of the House, and the Number of the Counsellours that were then at the Board.

Mr. Secretary bro't down the Vote of Council, *viz.* In Council, Wednesday, *July* 12th 1721. His Excellency the Governour and Twelve Members of the Council, this Day Present.

The Question being put, *Whether the Adjournment of the House of Representa-*

tives, from this Day to Tuesday following the 18th Currant, without his Excellencies Knowledge and Consent, be Regular and Agreeable to the Charter?

It was Unanimously Resolved in the Negative?

A True Copy Examined, *Josiah Willard* Secretary.

Mr. *Clarke*, form the Committee on Muster-Rolls, Reported, That they found Capt. *Gyles's* Muster-Roll Right Cast, and are of Opinion, [71] That the Sum of *l. 223—15—0* be allowed and Paid (Exclusive of the Sum of *l. 18—15—0* which Cap. *Gyles* charges as Interpreter, & Negotiating affairs with the *Indians*,) which the Committee are of Opinion ought not to be allowed or Paid, till Capt. *Gyles*, Produces a Resolve of the General Court for Pay for that Service, *July 19th 1721.*

Read & Resolved, That the Sum of *l. 223—15—0* be allowed & Paid out of the Publick Treasury, to Capt *John Gyles*, to Discharge said Muster-Roll.

Sent up for Concurrence.

The Committee have also Examined his Accompt of Wood and Intelligence, and are of Opinion, That the Sum of *l. 12—11—0* be allowed and Paid to Cap. *John Gyles*, in full to discharge the two first Articles of the within Accompt. And the Article of *l. 23—4—7* we leave open, that Capt *Gyles* may bring a Resolve of the General Court (if any such be,) to avouch the same at the next Sessions.

Read and

Resolved, That the Sum of *l. 12 11 0* be allowed and Paid out of the Publick Treasury, to Capt. *John Gyles* to discharge said Accompt.

Sent up for Concurrence.

And as to the Supplies that are wanting for the Garrison.

Resolved, That the Province Treasurer be directed to Supply Capt. *Gyles* with the particulars in the Memorandum given in for the Use of his Majesties Fort *George* at *Brunswick.*

Read, Accepted and Sent up for Concurrence.

Ordered, That Mr. *Cooke*, Mr. *Wainwright*, Mr. *Foster*, Mr. *Stone*, Mr. *Throop*, Mr. *Gardner* and Mr. *Stacey*, be a Committee to prepare an Answer to his Excellencies Speech, this Day delivered.

Post Meridiem.

The following Answer was proposed by the Committee.

May it please your Excellency.

When the House of Representatives came into the Adjournment on Wednesday last, it was Occasioned by a Motion of several Members of the House, for that inasmuch as Thursday the 13th Instant, the Day after the Adjournment, was Appointed by this Government, to be Solemnized as a Day of

Fasting with Prayer, and many of the Members Living upwards of 30 Miles from the place of the Courts Sitting, who were very desirous to be at their respective Homes on that Day, and considering the hot Season, they could not without great Inconveniency attend their Duty in the House on the *Fryday* following, or at least till late in the Day. And it having been the Usage and practice of the House to Adjourn themselves from *Saturday* before noon, to *Monday* following afternoon, and sometimes till Tuesday. And this Sessions having continued already for a long time, and divers of the Members not having been at home during their Sitting; That therefore the House might be Adjourned to *Tuesday* the 18th Instant, that the Members might have liberty to Visit their Families, take care of their Husbandry, and other necessary Affairs, and then return to their Duty.

We do with the utmost Sincerity, acquaint your Excellency, that these were the Motives that brought the House into that Adjournment, & not in the least wise to break in upon, or any ways infringe the Royal Prerogative, which as we never did endeavour after, so hope this nor succeeding Assemblies ever will have the [72] least inclination to, for that it would be very criminal in the Representative Body of this People, or any other the Inhabitants of this Province, to make a Breach upon His Majesties Prerogative, under whom by the Blessing of God we are signally distinguished in our happy Constitution, and the many valuable Priviledges and Liberties we Enjoy thereby, from many other His Majesties Governments in the Plantations.

And we do now with all possible freedom of heart acknowledge our Mistake in not acquainting your Excellency, and the Honourable Board of the Adjournment, and that it was but just and reasonable, That your Excellency and the Board should have been acquainted by a Message from the House of the Adjournment, and the time to which it was Adjourned.

Read and Accepted.

Sent up by Mr. *Quincey*, Mr. *Wilson*, Mr. *Goff*, Mr. *Dudley* and Mr. *Stevens*.

Then the House Adjourned till to Morrow Morning Ten a Clock.

VOTES

Of the House of Representatives.

Jobis 20 Die Julii. 1721. A. M.

A Message from his Excellency by Mr. Secretary *Willard*, viz.
Gentlemen of the House of Representatives.

I Have Received your Answer to my Speech to you Yesterday, Referring to your Extraordinary and Unwarrantable Adjournment, and observe that you only Acknowledge your mistake, in not acquainting me & the Council of your having Adjourned in the manner as you did? But seem industriously to avoid confessing, That the Sole Power of Adjourning, as well as Proroguing and Dissolving the General Assembly, is Vested in His Majesties Governour by the Royal Charter, & therefore you did wrong in attempting the Adjournment of your House, without acquainting me with it and having my Allowance, this is what your Predecessors acknowledged, in the Government of Sir *William Phipps*, and I expect no less from you.

A Motion being made, and the Question put, *Whether the House would go upon a Reply to his Excellencies Speech Yesterday,*

It Passed in the Affirmative?

Ordered, That Mr. *Cooke*, Mr. *Coffin*, Mr. *Knowlton*, Mr. *Dudley*, Mr. *Wainwright*, Mr. *Quincey* and Mr. *Gardner*, be a Committee to prepare an answer to the Message of his Excellency this Day *per* Mr. Secretary *Willard*.

Post Meridiem.

Resolved, That the following Vote be sent up to his Excellency the Governour, in answer to his Message sent down this Forenoon.

The House of Representatives do truly confess and acknowledge, that by the Royal Charter your Excellency, and the Governour for the time being, have the Sole Power and Authority, to Adjourn, Prorogue and Dissolve the General Court. And the House further acknowledge, that your Excellency ought to have been acquainted with the design and intention of the House in their Adjournment from Wednesday the 12th to Tuesday the 18th Instant *July*, before they did Adjourn, and that it was so Designed but Causually omitted.

Read and Accepted. Sent up by Mr. *Epps*, Mr. *Herrick*, Mr. *Menzies* and Mr. *Spurr*.

A Message by Mr. Secretary, That his Excellency Expects this House forthwith to attend him in the Council Chamber.

Then Mr. Speaker Ordered all the Members of the House to be called in. Upon which Several of the Members moved, that all the Votes of this [74] House in this present Session, more immediately Relating to any misunderstanding or difference, that hath arisen between his Excellency and the House should be Prepared to be sent Home: And the Question being put, it Passed in the Affirmative?

Resolved, That Mr. Speaker take care that the aforesaid Votes and Resolves be transmitted to the Honourable Col. *William Taylor*, now Resident in *London*, or in his absence to such meet Persons as he shall think fit, desiring them to Lay the same before His Majesty in Council, or any where else if need so Require, to Obviate any Complaint that may be made by his Excellency the Governour against the Proceedings of this House, for their just and necessary Vindication.

Mr. Secretary came down again, & Declared, that his Excellency Expects this House forthwith attend him in the Council Chamber.

Mr. Speaker and the House went up, and his Excellency made a Speech to the House. Which is as follows,

Gentlemen, of the House of Representatives,

I Am very much concerned to find in the Printed Journals of the House, First an Order appointing a Committee to draw up a Memorial upon, or a Representation of my Speech made before the Dissolution of the Assembly in March last, and afterwards the Memorial it self signed by Mr. Cooke, in the name of the Committee.

This Treatment is very surprizing from a House of Representatives that profess so much Loyalty and Respect to His Majesty's Government. It appears to me to be very irregular, that the present House of Representatives, whereof John Clarke Esqr; is Speaker, and which consists of a majority of New Members, should take upon 'em to answer my Speech made to a former House of Representatives, whereof Timothy Lyndall Esqr. was Speaker. These Proceedings are not only improper, but without Precedent from any former Assembly.

I must also observe to you, that you have not shewn that Respect which is due to me as Governour of this Province, by suffering this Order or Memorial to go into the Press before it was Communicated to me, which if you had done, I could have convinced you, that it had been very much for the Service of your Country, that neither the Order or Memorial should have appeared in Print.

It is my Opinion that you will quickly be convinced how much you have been wanting in your Duty and Interest by disowning the Authority of that Right Honourable Board, which His [75] Majesty has Constituted to Super-intend the Affairs of this Province, and all the other Plantations.

For these Reasons I should have Dissolved the General Court when the Memorial first appeared, but I was in hopes the House might have been brought to

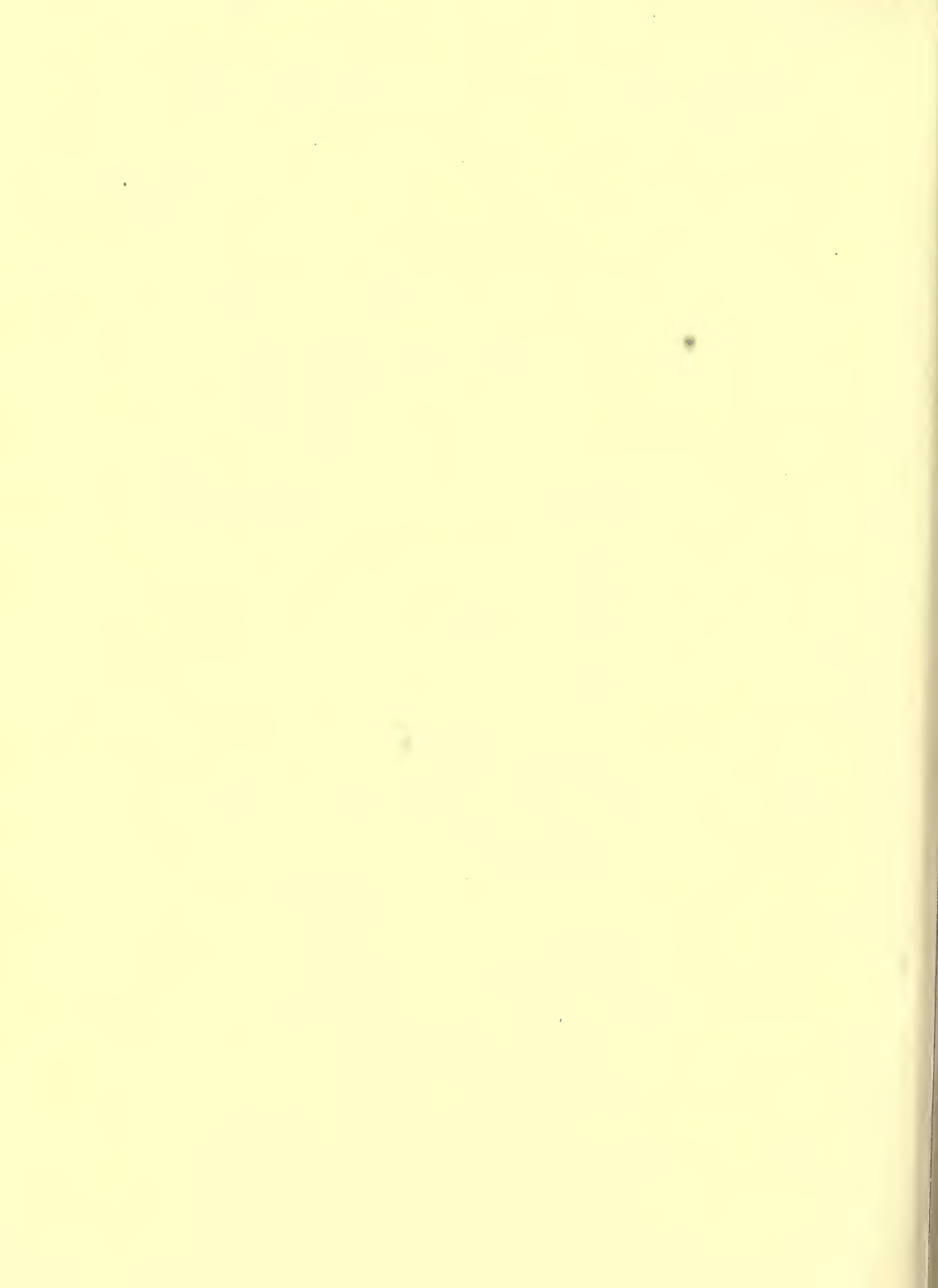
retract and expunge it. Instead of making this Use of my tenderness, you have gone on in the most Undutiful manner, to withdraw from His Majesty's and your Countries Service by Adjourning your selves for near a Week without my knowledge or consent, contrary to the **Royal Charter**, which absolutely Vests in the Governours of this Province, the Power of Adjourning, Proroguing and Dissolving, and that at a time when I thought it for the Service and Interest of the Colony to Adjourn you only for two Days, having an Affair of the greatest Consequence to Communicate to the House, which was to perswade you to take some effectual Measures to prevent the **Plague** coming amongst us, there being nothing so likely to bring it in, as the **French Silks and Stuffs** which are constantly brought into this **Province**.

Gentlemen, of the House of Representatives,

These your Unwarrantable **Proceedings**, oblige me to *Dissolve* this Assembly.

And then the Secretary Declared, that it was his Excellencies Pleasure, That this Great and General Court should be Dissolved; And it was accordingly Dissolved.

Boston, Printed by **Nicholas Boone**, Printer to the Honourable House of
Representatives. 1721.



VOTES

O F

The Honourable House

O F

Representatives.

O F

His Majesties Province of the ~~Massachusetts~~ Bay,

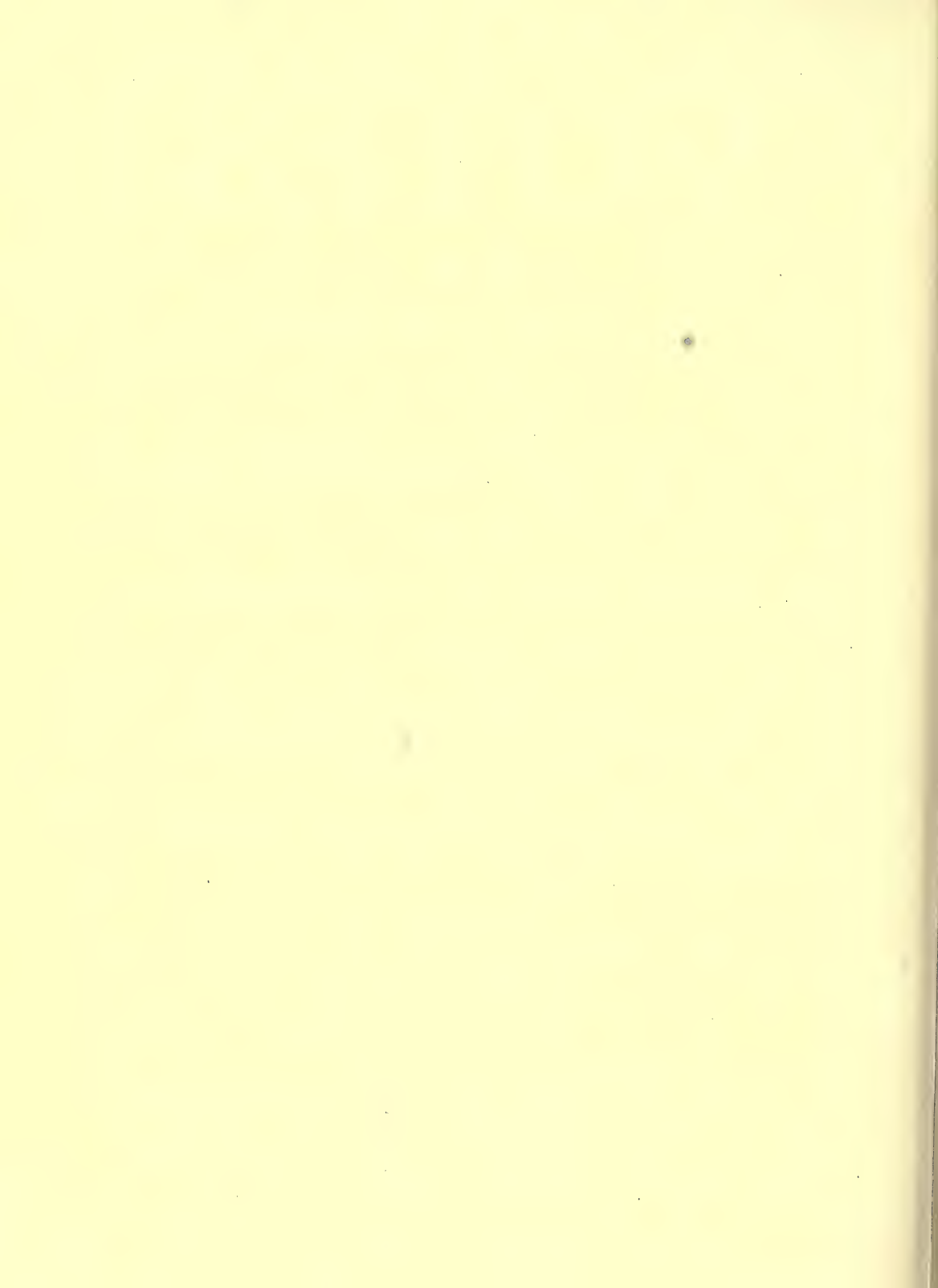
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New-England.

Begun and Held at Boston, August 23. 1721.



Boston, Printed by Nich. Boone, Printer to the
Honourable House of Representatives. 1721.



A
JOURNAL
Of the House of
Representatives.

At a Great & General Court or Assembly of this His Majesties Province of the *Massachusetts-Bay*, in *New England*, Begun and Held at *Boston*, upon Wednesday the 23d Day of *August*, Anno, 1721:

THE Honourable *Addington Davenport* and *Thomas Fitch* Esqrs came from his Excellency the Governour, and acquainted the House, That they were Appointed and Authorized by his Excellency; That this House should take the Oath, Make and Subscribe the Declaration, Take and Subscribe the Oath of Abjuration, (as by the Royal Charter of this Province is directed) before them, which was done by all the Members present, and then they withdrew.

After the Members had taken the Oaths, a motion was made, that the House should proceed to Examine the Returns before they came to the Choice of a Speaker, and after some debate thereon,

It Passed in the Affirmative.

Ordered, That *Elisha Cooke*, *John Wainwright*, *Josiah Cotton*, and *Francis Fullum* Esqrs. Be a Committee to prepare a Resolve to be sent up to the Board, for Removing the General Court to *Cambridge*, in the County of *Middlesex*.

Then the House proceeded to Examine the Returns of the several Counties, and upon Reading the Return from *Bristol*, it was Objected against as an undue Election, and after a Debate had thereon, and Evidences from the Town Read, the Question was put,

Whether Capt. Simon Davis, who was Returned a Representative from the Town of Bristol, was duly Elected.

It Passed in the Negative. [4]

THE Names of the Persons Returned to Serve for and Represent the Several Towns, are as follows viz.

JOHN CLARKE Esqr.
 Boston. { Elisha Cooke Es. (Spea-
 Mr William Clarke
 Wm. Hutchinson Esqr.
 Roxbury, Capt. William Heath
 Dorchester, Col. Robert Spur
 Milton, Mr. Ephraim Tucker
 Brantrey, Capt. John Mills
 Weymouth, Mr. John Torrey.
 Hingham, Capt. Tho. Loring
 Sutton.
 Dedham, Mr. Joseph Ellis
 Medfield, Mr. Henry Adams
 Medway
 Mendon, Mr. Daniel Taft
 Hull
 Wrentham, Mr. Robert Ware
 Woodstock Mr. James Horsemet
 Bellingham
 Brooklin, Mr. Edward White
 Needham,
 Oxford,
 Salem, { Daniel Epps Esqr.
 Capt. Peter Osgood
 Ipswich { John Wainwright Es.
 Mr. Nath. Knowlton
 Lynn, Mr. Richard Johnson
 Newbury, Mr. William Moodyey
 Marblehead, Mr. Wil. Stacy
 Beverly, Lt. Robert Brisco
 Wenham, Mr. John Got
 Topsfield, Capt. Tobij. Perkins
 Andover, Benj. Stevens Esqr.
 Bradford, Mr. Robert Hasteltine
 Haverhill, Mr. John Sanders
 Boxford, Mr. Joseph Hale
 Rowley, Capt. Ezekiel Northern
 Salisbury, Mr. Isaack Morrill
 Ambsury, Capt. John Foot
 Gloucester, Mr. Sam. Stevens
 Manchester
 Cambridge, Col. Edmund Goff
 Charlestown, { Mr. Eb. Austin
 Mr. John Rand

Watertown, Mr. S. Stearns.
 Newton, Mr. Ebenezer Stone
 Sudbury, Mr. Phineas Rice
 Marlborough, Capt. W. Ward
 Sherbourn, M. John Death.
 Westborough,
 Lancaster, Mr. Jab. Fairbank
 Fram, Col. John Buckminster
 Groton, Capt John Shepley
 Concord, Mr. William Wilson
 Chelmsf. Mr. Stephen Pierce
 Billerica, Mr. George Brown
 Woburn, Mr. Daniel Pierce
 Reading, Mr. Wm. Bryant
 Malden, Mr. Jonathan Sargeant
 Lexington, Fran. Bowman Esqr.
 Dunstable,
 Weston, Francis Fullum Esqr.
 Dracut, Capt. Joseph Varnum
 Medford, Thomas Tufts Esqr.
 Worcester,
 Stow, Mr. John Whitman
 Littleton
 Leicester, John Menzies Esqr.
 Rutland
 Springfield, Mr. Joseph Stebbins
 N. Hampton. Capt. Eb. Pumry
 Hadley, Mr. Luke Smith
 Hatfield
 Westfield, Mr. Samuel Ashley
 Suffield
 Enfield
 Deerfield,
 Brookfield, Mr. Jos. Jennings
 Sunderland,
 Northfield,
 Plym { Josiah Cotton, Esqr.
 Mr. John Foster
 Scituate, Mr. James Cushing
 Marshfield, Mr. Jonathan Eames
 Duxbury, Capt. John Alden.
 Bridgewater, Mr. Benjamin Snow

Rochester, Samuel Prince Esqr.
 Midal, Mr. Ichabod Southward
 Plympton, M. Benoni Lucas
 Pembroke, Capt. Tho. Barker
 Abington,
 Barnstable, Shubal Gorham Esq;
 Sandwich, Mr. Stephen Skeat
 Yarmouth,
 Eastham, Mr. Isaack Pepper
 Harwich, Mr. John Mayo
 Truro,
 Chatham,
 Falmouth,
 Bristol, Capt. Simon Davis
 Taunton, Mr. James Leonard
 Swansey, Mr. Joseph Winslow
 Rehoboth, Mr. Jathniel Peck
 Little Comp. Mr. Jos. Southworth
 Dighton, Mr. David Walker
 Truerton, Mr. Gersh. Woodel
 Attleborough, Mr. Da. Freeman
 Norton, Capt. Sam Brentnel
 Barrington,
 Dartmouth, Mr. Philip Taber
 Freetown, Mr. Tho. Gage
 Edgartown, Mr. Jos. Nucomb
 Chilmark
 Tisbury
 Sherbourn on Nantucket
 George Bnuker Esqr.
 York, Mr. Samuel Came
 Kittery, Mr. John Dennet
 Berwick, Capt Elisha Plaisted
 Wells,
 Falmouth
 Biddiford, Mr. Pendleton Fletcher

Then the House proceeded to bring in their written Votes for a Speaker, which being Examined; It appeared that *John Clarke* Esqr. was Chosen by a Major part of the House, and he was accordingly conducted to the Chair.

Ordered, That *William Hutchinson*, *John Wainwright* and *Francis Fullum* Esqrs. be a Committee to acquaint his Excellency and the Honourable Board, that they had made choice of *John Clarke* Esqr. for their Speaker, and that he was sitting in the Chair.

The House went upon the Choice of a Clerk by Written Votes, which being

Examined, it was found that *William Payne Esqr.* was Chosen by a Major part of the House, and he was sent for to the House and had the Oath administred to him. [5]

Post Meridiem.

Mr. *Cooke*, from the Committee Reported: That whereas by an Act of this Government Made and Passed at the Great and General Court, Begun and Held at *Boston*, on the 25th of *May* 1698. The Town-House in *Boston*, is appointed for Convening, Holding and Keeping the Great and General Court or Assembly from time to time: And the Writs for Calling this present Great and General Court are conformable thereto. But forasmuch as the Small-Pox, is and hath been some Months past in several parts of the Town of *Boston*, and most of the Members having not had that Distemper, Occasions their present Convening at the *George-Tavern*, on the Neck of *Boston*, for the Holding the Great and General Court or Assembly, which place is not Accommodable and Suitable for the purpose. Wherefore

Resolved, That the present Great and General Court or Assembly, be Removed to *Cambridge* in the County of *Middlesex*, to such time as his Excellency shall think fit.

Sent up for Concurrence by Col. *Buckminster* and Mr. *Johnson*,

Who Returned with the Resolve, and Reported that his Excellency said he would not Receive the Message, because he had not yet Accepted the Speaker.

Ordered, That Col. *Buckminster* and Mr. *Johnson*, go up again to the Board with the Resolve, and Order the Door-keeper, to inform the Honourable Board, the Message is Sent to them, and not to his Excellency.

A Message from his Excellency by Mr. *Secretary*, in the words following, Viz. *I Accept the Choice of John Clarke Esqr. as Speaker of the House of Representatives.*

August 23d 1721.

SAMUEL SHUTE.

Ordered, That the said Message be Returned by Mr. *John Foster*, and that he Inform his Excellency, That this House, when they Sent up to Acquaint his Excellency, and the Honourable Board, with the Choice of a Speaker, they did it for Information only, and not Approbation.

Ordered, That a Precept be sent to the Town of *Bristol*, Requiring them to Chuse another Representative, in the Room of Capt. *Simon Davis*, who is Voted Illegally chosen, and dismiss.

A Letter from Mr. *Benjamin Snow* of *Bridgewater*, and a Letter from Capt. *Elisha Plaisted* of *Berwick*, to Excuse their not appearing, for Reasons therein given.

Read and Accepted.

A Message by Mr. *Secretary*, To Inform the House, that his Excellency had

desired the Board to Adjourn till to Morrow Morning Ten a Clock at this place and that they were accordingly Adjourned.

Then the House Adjourned till to Morrow Morning Ten a Clock. [6]

Tobis 24 Die August. 1721. A. M.

O *Ordered*, That Mr. *Foster*, Go up to the Honourable Board, and Inquire what is Passed upon the Message sent up to them Yesterday, Relating to the Resolve of this House, for Adjourning the Court to *Cambridge*: Who Returned, That the Resolve was Read & Concurred by the Board, and that his Excellency has Entered his Dissent upon it.

Ordered, That Major *Fullum*, Mr. *Menzies*, Mr. *Stone*, Capt. *Heath*, and Mr. *Pomry*, be a Committee to Wait on his Excellency the Governour, and Pray him to Reconsider the Resolve of this House, for Removing the Court to *Cambridge*, which was Concurred to by the Honourable Board, and to Pass his Consent thereto.

Post Meridiem.

A Message from his Excellency, Returned by the said Committee, viz.
Gentlemen.

As to your Message from the House, delivered to me this Day, That I would Pass my consent to the Resolve for Removing the General Court to Cambridge, My Answer is; That it will be a giving up the Kings Prerogative to Consent to the Adjournment, in the Form as it was sent up Yesterday, and therefore I cannot come into it: But if the Council and Representatives desire that the Court be Adjourned to Cambridge, I shall readily Grant it.

August 24th 1721.

SAMUEL SHUTE.

Voted, That the Committee that Waited upon his Excellency Respecting the Removal of the Court, do again go up to the Board and acquaint his Excellency, That in the Resolve, this House did not concern themselves about Adjourning the Court, which is Vested in the Governour for the time being by the Royal Charter, but the Removal only, the Place for their Sitting being Established by an Act of this Government, which hath Passed the Royal Sanction.

Who Returned, That his Excellency said, he should not concern himself to make an Answer.

John Appleton, *John Cushing* and *Thomas Hutchinson* Esqrs. from his Excellency Informed the House, that the Council Chamber was not Large enough to hold the General Court, and therefore he had sent Mr. *Secretary*, to Read his Speech to the House, & that it was Read at the Board, which is as follows.

Gentlemen,

Since I parted with the last General Court, the *Indians* to the number of 200 have marched in hostile manner, under *French* Colours, accompanied by two *Jesuits*, into the Town of *Arowsick*, where they had a conference with the Inhabitants of that place, and afterwards [7] delivered an insolent and menacing Letter, directed to Me your Governour, which Papers I shall order to be laid before you. Whereupon with the Advice of the Council I immediately sent a sufficient number of Forces to the assistance of our Alarmed *Eastern* Settlements, as also some Gentlemen of the Council, who are to demand of the *Indians* the reason of this notorious insult upon his Majesties Territories and *Liege* Subjects.

I expect the Gentlemen, of the Council, in a few days to make a Report of their Proceedings in this Affair, which I believe will require your serious Attention.

I hope you will endeavour to prevent the danger of the *Plague* coming into this Province from *France*, which still increases, thereby putting a stop to the clandestine conveyance of *French* Commodities into this Colony, notwithstanding the best endeavours of His Majesties Officers of the Customs, to discover such ill practices.

Gentlemen of the House of Representatives,

I must acquaint you, that I have receiv'd a Letter from the Lords Commissioners of Trade and Plantations, wherein their Lordships give it me as their opinion and instruction, that I have a full power to Non-concur in the Choice of a Speaker, and all Elections.

The Right Honourable Board of Trade have been determined in this point by the Opinion of His Majesties Attorney General in *England*, which is founded upon the *Charter*, & which their Lordships have been pleased to *Transmit* to me, & directed me to *Acquaint* you with it, & when it is *Communicated* to you, I shall leave you to judge how conformable the Message you sent me yesterday in *Writing*, relating to the *Speaker* is to their Lordships *Instructions*.

Gentlemen,

I need not mention to you the reasons of my parting with the last General Court; I heartily wish the Proceedings of this Session may be such as to give me an opportunity to recommend you to His Majesties Favour. [8]

Ordered, That Col. *Buckminster* Wait on his Excellency, and desire him to stay some time, because the House is preparing a Message to send up to him. Who Returned, That his Excellency would stay for it.

A Message by *John Cushing* Esqr. viz. in Council August 24th 1721
Whereas the Court of General Sessions of the Peace, and Inferiour Court of Common Pleas for the County of Middlesex, as Appointed by Law to be Held at Concord, upon Tuesday the 29th of August, and Several of the Members of this Court, will be obliged to attend the said Court at Concord.

Ordered, That the Justices of the Court of General Sessions of the Peace, and the Inferiour Court of Common Pleas, be directed to Adjourn the said Courts to some further and more convenient time.

Sent down for Concurrence.

Read and Concurred, Sent up.

A Proposal being made by some of the Members, That a Committee be appointed to Wait on his Excellency the Governour, and desire him to Adjourn this Court to *Cambridge*, by reason of the Distemper in *Boston*, and the Great Resort of People from the Town to this Place, which makes it dangerous to them that have not had the Distemper (with a saving of the Right of this Court to Hold the Great and General Court, which by Law belongs to the whole Legislature) to be Disputed when and where they can with more safety.

And the Proposal being put to Vote,

Past in the Negative.

Whereas the Honourable Board and this House, have *Voted*, That this Court might be Removed to *Cambridge*, for reasons therein assigned, which his Excellency hath not seen cause to consent to.

We His Majesties most Loyal and Dutiful Subjects, the Representatives in General Court Assembled, beg leave to acquaint your Excellency, That many of the Members cannot give their attendance here, being in great fear and danger of taking the Small-pox, which may be pernicious not only to them, but the whole people of this Province. And though we came in Obedience to His Majesties Writ with chearfulness to attend our duty; yet considering our difficult circumstances, we shall many of us be necessitated to return to our Homes, though with the utmost Regret. We would therefore intreat your Excellency to come into the Vote for Removing the Court.

Sent up by Mr. *Foster*, Mr. *Bryant*, Mr. *Wainwright*, Mr. *Spur*, Mr. *Freeman* and Mr. *Dennet*.

Then the House Adjourned till to Morrow Morning Ten a Clock.

Veneris 25 Die August. 1721. A. M

Voted, That Mr. *Stone*, Mr. *Moodey*, Mr. *Knoulton* be a Committee to Go up to the Board, and Inquire what consideration his Excellency has had on the Vote sent up to him last night; who Returned, That his Excellency said, he thought it unmannerly in the House, to desire him to stay the last night for a Message, & then send up one of the same nature with the former, which he would not consent to, because it was dishonourable to him, he having before declared against it.

Voted, That Mr. *John Foster*, Mr. *Steven Pain*, and Mr. *William Wilson*, be the Monitors for this Sessions. [9]

Mr. Secretary brought down a Paragraph in a Letter from the Lords Justices

to his Excellency from the Lords Commissioners of Trade and Plantation. And Sir Robert Raymond's Opinion on his Excellency's Power of Negating, &c.

Which is as follows

A Paragraph contained in a Letter from the Right Honourable the Lords of Trade and Plantations, to his Excellency Samuel Shute Esqr. bearing Date March 17th 1720, 21.

WE Approve of what you have done in putting a Negative upon *Elisha Cooke*, chosen Speaker by your Assembly, and for your Information herein, we send you Inclosed the Opinion of Sir Robert Raymond, His Majesties Attorney General, which will be a Guide to you in all future Cases of the like Nature, and which you are to Signify to the Council and Assembly.

Signed by

J. Chetwynd.

P. Dominique.

M. Bladen.

Edw. Ashe.

T. Pelham.

Sir Robert Raymonds Opinion, Viz.

May it Please your Lordships,

IN Obedience to your Lordships Commands Signify'd to me by Mr. Popple, by His Letter of the 3d of January last, That I should send you my Opinion to what Particular Elections, the Negative Voice Reserved to the Governour of the *Massachusetts-Bay*, by their Majesties King William and Queen Mary, Extends, for which purpose an Extract of a Letter from Col. Shute, the Governour of that Province, And also an Extract of the said Charter were transmitted to me, and are herewith sent back to your Lordships; I have perused the Extract of the said Letter and Charter, and have Considered thereof; And I Apprehend, the Principal Question intended by your Lordships, related to the Negatives given by the Governour to the Election of the Speaker for the Assembly; and as to that, I am of opinion, the Governour has a Negative Voice; The words of the Clause in the Charter being very General, and expressly Applicable to the Case, viz. That in all Elections and Acts of Government whatsoever, to be made or done by the General Court or Assembly, the Governour shall have a Negative Voice, and that without his consent or approbation signified & declared in Writing, no such Elections, &c. so to be made or done by the said General Assembly &c. shall be in force, &c. And as the Words Extend to this Case, the Account given by the Governour how that Clause came to be Inserted in the Charter, strongly fortifies this Construction. The general part of the Question, viz. To what particular Elections the Negative Voice of the Governour Extends, not knowing in Fact what Elections are there made, I can Answer only in General, that I think it will Extend to all Elections which can be comprized within

the words of that Clause in the Charter, which are very General and seem to me to Extend to all Elections Originally made by the Assembly: (I Insert those words, Original Elections made by the Assembly,) to Exclude any Construction, As if I meant any Elections of Members of the Assembly.

All which is Humbly Submitted to your Lordships great Wisdom.

ROBERT RAYMOND.

To the Lords Commissioners of Trade and Plantations. Feb. 27th 1720.

A true Copy from the Original Read in Council, Examined

Per Josiah Willard, Secretary. [10]

The Proposal for a Committee to wait on his Excellency, and desire him to Adjourn the Court to *Cambridge*, &c. which was yesterday put to Vote, and passed in the Negative; was again Read in the House: And the Question being put, *Whether it should be Reconsidered*,

It passed in the Affirmative.

Then the Rules and Orders of the House were read Over and Voted, That they be the Rules to be observed by the House during the Sessions of this Court, except such as cannot be observed in this straight place.

Post Meridiem.

Whereas the Great & General Court is now Sitting at the *George-Tavern*, on *Boston Neck*, by reason of the Small-pox in the Town of *Boston*; which place is not only dangerous for the Members that have not had the Distemper, by reason of the continual Concourse of People from *Boston*, but the House so scant of room, that the Members are no ways capable of acting in that order and decency as is to be wished for, and very difficult to determine their Votes. Wherefore

Voted, That the Court be removed to *Cambridge*, in the County of *Middlesex*, to such time as his Excellency shall think fit; and that his Excellency be desired to Issue out a Proclamation, to give Orders accordingly.

Sent up for Concurrence by Mr. *Cotton*, Mr. *Heath* and Mr. *Buckminster*.

Resolved, That the Votes of this House, during their Session and Sessions, be Printed and Distributed as usually, and that the Representatives of the Town of *Boston*, have the care of Printing them.

The Vote of the House for Removal to *Cambridge*, which was Sent up this Afternoon for Concurrence, being returned, past upon as follows, viz. In Council, August 25. 1721. Read and Concurred with an Amendment.

Sent down for Concurrence.

Read and Non-Concurred. Sent up.

A Message by Mr. Secretary, That the Board is Adjourned till to Morrow Morning Ten a Clock.

The Proposal for a Committee to wait on his Excellency, and desire him to

Adjourn the Court to *Cambridge*, which yesterday passed in the Negative, and this Morning was Voted to be Reconsidered; being again proposed by several of the Members, and fully argued upon. The Question being put, *Whether it should be accepted and sent up.*

It passed in the Negative.

Sabbati 26 Die August 1721. A. M.

Ordered, That three men be appointed by this Court to stand Guard at the door of the House, to hinder any persons from the Town of *Boston* coming into the House (without Licence first obtained) whereby the Small-pox may be bro't among the Members of the Court; & that Capt. *W. Heath* have the charge of the Guard.

Sent up for Concurrence.

A Bill for preventing the Plague; Brought down from the Board by *John Cushing* Esqr. Read the first time.

A Message by Mr. Secretary, that three Commissioners for the Excise are wanting for the Counties of *Suffolk*, *Plimouth* and *Bristol*.

Ordered, That *Tuesday* next be appointed for Chusing said Commissioners.

His Excellency's Speech to the House, at the dissolution of the last Assembly, on *July* 20 past read, and the Speech that he has now made to this present Assembly Read.

Ordered, That Mr. *Cooke*, Mr. *Clarke*, Mr. *Knowlton*, Mr. *Fullum* and Mr. *Austin*, be a Committee to prepare an Answer to both the Speeches, and lay the same before the House.

Then the House Adjourned till Monday Three a Clock Afternoon. [11]

VOTES

Of the House of Representatives.

Lunee 28 Die August. 1721. P. M.

A Bill for preventing the Plague &c. Read a 3d time

Mr. *Secretary*, brought down two Letters sent to his Excellency from *New-Hampshire*, giving an account of the *Indians* to the Number of 200 appearing in Arms at *Cochecho*. Read.

Ordered, That Mr. *Wainwright*, Mr. *White* and Mr. *Heath*, Go up to his Excellency the Governour, and desire of him that the House may have a sight of that Insulting Letter from the *Indians*, which his Excellency mentioned in his Speech to the House, and the Instructions given to the Commissioners, that were sent to Treat with the *Indians*, as also the Journal of their proceedings.

Mr. *Secretary* brought down the *Indians* Letter to his Excellency, with other Letters from several of the Inhabitants at the *Eastward*, also his Excellencies Order to the Commissioners, with their Journal, and the Instructions that they left with the Commanding Officer there.

Ordered, That Mr. *Cooke*, Mr. *Fullum*, Mr. *Pomry*, Mr. *Spur* and Mr. *Came* be a Committee, to joyn with such as the Honourable Board shall appoint, to project the best methods for securing the *Eastern* Settlements, and other Plantations, from the Insults and Outrages of the *Indians*.

Sent up by Mr. *Spur* and Mr. *Adams*.

A Message from the Board by *Penn Townsend* and *John Turner* Esqrs. to inform the House, that the Forces at the *Eastward* are without Coverings, and scant of Cloathing; and if the House design to continue them in Pay, they must be supplied with Necessaries before the cold Weather come in.

Then the House Adjourned till to Morrow Morning Ten a Clock.

Martis 29 Die August, 1721: A. M.

Ordered, THAT Mr. *Wainwright* and Mr. *Johnson* Go up to the Board, and acquaint them, that this House is ready to joyn with them in the Choice of the three Commissioners of Excise, which were Negatived by his Excellency the Governour. [12]

A Petition from the Select-men of the Town of *Salisbury*, praying, that they may be protected from the Insults of the Officers of *New-Hampton*, who lately carried some of their Town from their own Houses and committed them to the Prison at *Portsmouth*, for refusing to pay the Rates imposed on them by that Government. Which was read.

A Message by *John Turner* Esqr. that the Board is ready to joyn with the House in the Choice of three Commissioners for the Excise.

Ordered, That Mr. *Wainwright*, Mr. *Cotton* and Mr. *Hutchinson* be appointed to carry up the Votes of this House, assist in sorting & counting them with the Votes of the Board, and report to the House the several Elections.

Then the said Committee carried up the Votes of the House for a Commissioner of Excise for the County of *Suffolk*, who Returned, that *William Payne* Esqr. was chosen by the Majority of the Votes.

Said Committee carried up the Votes for a Commissioner of Excise for the County of *Plymouth*, who Returned that Capt. *Thomas Barker* was chosen by the major part of the Votes.

Said Committee carried up the Votes of the House for a Commissioner of Excise for the County of *Bristol*, who Returned that Capt. *William Throop* was Chosen by a majority of Votes.

Post Meridiem.

A Bill for preventing the Plague, was Read with some Amendment, and Resolved that the Bill do pass to be Engrossed. Sent up by Mr. *Hutchinsan*, Mr. *Cotton* and Mr. *Dennet*.

Mr. *Secretary* brought down a Written Message from his Excellency, relating to the Commissioners of Excise, viz.

I accept of Capt. *Thomas Barker*.

I Negative *William Pain* Esqr.

I Negative Capt. *William Throop*.

SAMUEL SHUTE

Ordered, That Mr. *Heath*, Mr. *Buckminster* and Mr. *Barker* go up to the Honour Board, and Inquire, Whether they are ready to proceed to the Choice of two Commissioners of Excise, in the place of those that are Negatived

Resolved, That the Assessors of the Town of *Salisbury* continue to Rate all the Inhabitants and Estates of the Town of *Salisbury* to the Southward of the Ancient Boundary and Line; and that if any person under colour or authority of being Constables or Collectors within the Town of *Hampton* presume to come and demand Rates from any person living to the Southward of the Line between them & *Hampton*, or attempt to seiz their persons or Effects. That the Inhabitants of the Town of *Salisbury* be impowered to seiz and carry all such persons as pretend to Execute the Office of Constables or Collectors, or their Assistants, before one or more of His Majesties Justices of the Peace for the County of *Essex*, in order to their being proceeded with; and that upon Conviction, they shall be punished as the Law in this Province directs, relating to persons pretending to be Constables, &c. And that the Governour of *New Hampshire*, and Select-

men of *Hampton* be forthwith Notified of this Order, and that it is expected that *Henry Ambros* and *Andrew Grele*, two of the Inhabitants of *Salisbury*, now in the Custody of the Government of *New-Hampshire*, for not paying Rates to them, be forthwith set at Liberty.

Sent up for Concurrence. [13]

Then the House proceeded to bring in their Votes for a Commissioner of Excise for the County of *Suffolk*, in the room of *William Pain* Esqr. Negatived, which Votes were sent up by the former Committee, who returned that Mr. *Edward White* was Chosen by the majority of Votes.

Then the House sent up their Votes for a Commissioner of Excise for the County of *Bristol*, who returned that Mr. *Joseph Winslow* was Chosen by a majority of Votes.

Then the House Adjourned till to Morrow Morning Ten a Clock.

Mercurii 30 Die August, 1721. A. M.

THE Vote of this House passed the last Session at *Cambridge*, for asserting the Right of this Province, to the River called *Piscataqua* River, by Building a Breast-work, &c. on *Kittery* side, was read, debated upon, and Ordered, that Mr. *Knowlton*, Mr. *Fullum* and Mr. *Dennet* wait on his Excellency the Governour, and desire of him, that the Resolve of the last General Court for Erecting a Breast-work of six Guns, and placing a Naval Officer there, may be put in Execution as may be.

Ordered, That Mr. *Cooke*, Mr. *Clarke*, Mr. *Wainwright* and Mr. *Brisco* be a Committee, to prepare a Bill for providing an Equivalent for the Impositions now laid by the Government of *New-Hampshire*, on the Vessels of this Province, Trading up *Piscataqua River*.

Mr. *Cooke* from the Committee appointed to prepare an Answer to his Excellencies Speeches to the House, &c. Reported as followeth, *Viz.*

In the House of Representatives, *August 30, 1721.*

May it please your Excellency,

WE His Majesties most Loyal and Dutiful Subjects, the Representatives in General Court now Assembled, being sent here to consult the common Good of the People whom we Represent, having taken into our most deliberate Consideration the Speech made by your Excellency at Dissolving the last General Court, are fully convinced, that it is highly incumbent upon us, in discharge of that great Trust reposed in us, to acquaint your Excellency, that upon strict Examination of the Articles alleadged by you against that House of Representatives, as well as the several Votes and Resolves passed by them in that Sessions; we have differing Views and Sentiments from those your Excellency hath conceived and entertained with respect to the proceedings of that House,

and can and do with the utmost freedom & sincerity declare, that in our humble Opinion they stand up for, & justly defended the Rights and Privileges of the House, and strenuously endeavoured to promote the good of the Province, in all dutiful Submission and Loyalty to His Most Gracious Majesty King GEORGE: And therefore beg leave to say, your Excellency's being under any manner of surprize or concern, when you understood they had appointed a Committee to consider and make report on your Speech, when you Dissolved the Court in *March* last past, is what they had no reason to expect, neither was the Order or Method then taken by that House any ways irregular, or the proceeding improper. And we humbly conceive, had the last Assembly been silent on that head, they had basely betrayed, or miserably neglected the Service of their Country, whose peace and happiness they were strictly bound to advance, and not pull down, and thereby render themselves unworthy ever after to sustain from the People any such Trust again.

Your Excellency seems to lay the main stress or chief objection against that Representation on this point, that a House of Representatives, whereof *John Clarke* [14] Esq. was their Speaker, consisting of a majority of New Members, to take upon them to answer your Speech to another Assembly, whereof *Timothy Lyndall* Esqr. was their Speaker; To which we would humbly reply, that tho' they were two distinct Houses, and had the last been made up of all new Members, yet their Principals His Majesties good Subjects that gave to both them their Being, are one & the same people. And if that Speech carried in it any Charge against the people in General, or the first House of Representatives, which was then the Representative Body of the people that might disserve them, and the succeeding House Appraised that it was sent to His Majesty, or any Publick Board in way of Complaint either for omitting what your Excellency deemed incumbent on them to have done, or came into any thing that in your opinion manifested the least Slight to His Majesty, if they were well satisfied those your Charges were groundless, as every one on a due scrutiny must allow to be so, how then could they possibly avoid defending and vindicating them as they did, unless they resolved to abandon their Countries good. More especially if it be remembered that when your Excellency passed these Animadversions on the carriage and deportment of that House, and signified that they should be transmitted to His Majesty, at the same breath Dissolved the Court, whereby they were wholly incapacitated to answer for themselves, were they never so innocent.

Was it not properly in the power and discretion of a House of Representatives when occasion calls for it, and they Judges of that occasion too? to make just Remarks and Replies to Governour's Speeches, it might soon be out of their reach, though not inclination to shew much Loyalty or respect either to His Majesties Person or Government in their publick Capacity, tho' they would willingly lay down their Lives and little Fortunes in defence of His Majesties

Person, Family or Government, and of all His Majesties Governments in the *English* Plantations, this which at present by the blessing of God, and the goodness of our Sovereign, Enjoys many valuable Priviledges beyond most of the other Governments, might in a short process of time be brought into miserable streights and difficulties, and every one among us furnished with subject matter to write the deplorable State of *New-England*. And though the proceedings of that House may be without precedent, yet the only reason to be given therefor, is that no Assembly before that time had the like occasion that demanded such a Remedy. But if any preceeding Assemblies had, we make no scruple but that the Members of that House ever consisted of such as always had the Publick Weal at heart, and would not have been deterred from Exerting themselves in defence and justification of their Country.

That it is not only the duty of the Inhabitants of this Province, in an especial manner, but tends greatly to their Honour and benefit, at all times to Pay due Respects to the Kings Governours, is what every thinking Man amongst us will readily confess, and yet any time if a Governour shall Accuse an Assembly of doing those things which when Represented Home, will turn to their disadvantage; If then the next Assembly, being well assured those Accusations were not well founded, do Obviate such Complaint (The preceeding being prevented as before,) by way of Answer or what other Method shall be agreed upon by them most conducing to attain the end; Would humbly presume Affection and Inclination to a General good, and not disrespect to a Governour incited & animated thereto. And why it should be accounted disrespectful to your Excellency, that their Memorial was put into the Press before it was communicated to your self? We cannot apprehend; for it came out in its proper order and course with the other Votes and Transactions of that day, and was not ordered or designed to be sent up to your Excellency: But as far as we can judge thereof, the Appearance of it in Publick Print, hath been an Exceeding Satisfaction to almost all the Inhabitants of this [15] Province, who accounted themselves to to have been Misrepresented and set forth as a Turbulent Uneasie People, and disposed to Riotous Actions, which they Detest and Abhor from their hearts.

If that part of the Memorial wherein the Honourable the Board of Trade is made mention of, be rightly Considered and Taken as an Answer to your Excellency, wherein you declared that you should Acquaint them by way of Complaint, because the Assembly did not come into some Bills that had Passed the Council, it will easily Appear that the Representatives neither Meant or Expressed, no more then that they could not see the Reason or propriety of your Excellencies Informing them, that that House would not come into the Passing these and those Bills, when it was Absolutely in their Liberty whether they would or not, what breach upon or denial of the Authority of that Board, could or ought such a Refusal be esteemed; This Government being Obligated to send

none but those Acts that Pass the whole Legislature, & them for the Royal Approbation only: And no Notice heretofore taken of such Bills as Passed one Branch of the Government and not the others, either to His Majesty, that Board or any other ever as came to our knowledge. Wherefore, We cannot perceive any thing of that nature or tendency, to Question the Power and Authority, His Majesty hath seen cause in His Princely Wisdom to Invest that Honourable Board with. But had that Assembly or any other disowned the Authority of that Honourable Board, or any other Board or Order of Men constituted by His Majesty, it would have been an unhappy Mistake and Error in them.

May it Please your Excellency

If upon the first appearance of the Memorial it was so Displeasing to you, as to bring you to a resolution of Dissolving the Court then, but that you were in hopes that House might have been brought to Retract and Expunge it: Why were not some proper Means in the Season thereof, Thought of, and essayed to effect so great a good, and prevent so much Cost and Charge; For We firmly believe, if that House had then known how very Irksome it was to you, and been convinced that it was Irregular, Groundless, and not for the Service of the Province to be made Publick, they had put a full and final stop to it immediately: Nay, we trust, that unless they could fully demonstrate to all disinterested persons, that the Publick Peace, Weal and Tranquility of this whole People, strictly engaged, & loudly called upon them to pursue that Matter in that Way and Method they did, they would have been the first movers for a Retrait.

Perusing the Journal of the Representatives in their last Sessions, we find that on *Friday* the Seventh of *July*, 13 Days before their Dissolution, they had gone through the Publick business of the Sessions as far as in them lay, and were therefore desirous to return to their several Homes, & in order thereto sent a Committee to your Excellency, in the Morning of said Day, to enquire whether your Excellency had accepted the Choice of the Commissioners of the Excise, that they might Rise that Day; To which your Excellency answered, that when you saw what the House had done, you would think of their Rising; and in the Afternoon renewed their Motion to Rise; and on the day following appointed a Committee to draw up a Memorial on your Excellency's delaying to pass upon the List of the Commissioners of Excise, till you knew what the House would give you which was done, and sent up; Soon after Mr. *Secretary* brought down a Written Message in Answer thereto; and after a long debate had thereon, the Question was put, Whether the House would go upon Allowances before your Excellency had passed on the Acts, Resolves and Elections of the Court, and it passed in the Negative. Upon *Wednesday* the 12th of *July*, the Representatives replied to your Answer of the 8th of said Month, which was also sent up & your further Answer sent down to them, which occasioned a Motion to be made [16] by some of the Members, that the House might go upon Allowances before the

Acts and Elections, &c. were passed by the Government, and the other Vote against granting Allowances, &c. being Read; The Question was put, Whether they would Reconsider that Vote, and it passed in the Negative by a great majority of Votes. All these measures proving ineffectual, and the House seeing no prospect of Rising, they then indeed Adjourned themselves to the 18th of said Month; And if the Members of that House were desirous of a Recess for a few days, which was but two whole days beyond their constant practice and usage; the Lords Day and Fast Day which intervened being deducted, had they not sufficient reason to prompt them to it; they had once and again given your Excellency their repeated assurances they could not proceed upon Allowances, before you had passed upon those things which lay before you, and in their opinion were requisite to be first accomplished; and at the same time seeing your Excellency's averseness to go upon those things till you knew what they had done; and they being conscious to themselves that should they give up the point, it would be one of the most fatal concessions they could possibly come into; and therefore being so brought into Circumstances that deservedly wanted the advice of others, were the more solicitous to go home and consult their People, as well as take care of their Husbandry, and other necessary Affairs, that they might better attend their Duty upon their Return, least they should be prevailed upon to take an unlucky step towards their Ruin: So that all things touching that matter being thoroughly known and maturely weighed and considered, those Representatives did not deserve to be censured for withdrawing from their King & Countries Service, or acting contrary to the Royal Charter. It having been the practice ever since this happy Constitution, for the House of Representatives to Adjourn themselves for a day, and sometimes more on extraordinary Occasions. And it is the known Usage of the House of Commons to Adjourn themselves for several days. Your Excellency Remarks upon their Adjournment, that it was for near a Week at a time, when you thought it for the Service and Interest of the Colony, to Adjourn only for two days, having an Affair of the greatest consequence to Communicate to them, *viz.* preventing the Plague coming in among us; now inasmuch as there were heads of a Bill prepared by a Committee of Both Houses before the Adjournment for that purpose, which was afterwards drawn into a Bill, and passed upon at the Board, and essay'd to be sent down to the House when the day of their Adjournment was not come, and so none to receive it; yet when they were Met, and capable of receiving Messages from the Board, how happened it that a Bill so vastly importing the Publick Good was not sent down? and had it been, none ought to question but that it would have had a willing reception and quick dispatch there. If your Excellency thought it not proper to enter upon that business with them, till they had acknowledged their mistake in making that Adjournment without your leave and knowledge, before they proceeded to any other business. How then comes it about that a Muster Roll allowed and passed for payment by the House

two days after they came together again? being the day before your Excellency Dissolved the Court, was Concurred with by the Board, consented to by your Excellency, and the Money since paid out of the Treasury, and two other Resolves for payment of Money for Service done the Province that were acted upon in the House that day, Sent up and finished at the Board.

We would hope your Excellency is Misinformed about the *French Silks* and Stuffs, but if they are constantly brought in among us, it is not by the Merchants, or Trading part here; but if any such Trade is carried on, it is by Strangers, and it would be no disappointment or loss to our Merchants should all those Goods fall into the hands of the Commissioners of the Customs.

The sole unquestionable Right and Power of Adjourning, Proroguing and Dissolving the General Court, is Vested in the Governours for the time being; however when the Reasons assigned producing a Dissolution consist in matters of [17] Charge or unwarrantable proceedings of the Assembly for the Motives thereto, and upon an impartial searching into the several Matters of Fact; we cannot entertain such Conceptions of the last Assembly's proceedings as your Excellency doth: We should be much wanting in our Duty, did we not manifest the same in this publick manner: And we do now solemnly and sincerely declare in our most humble Opinion, that that House sought the Safety, Honour, Peace and Prosperity of this Government; and we have great cause to fear, whoever endeavoured to bring your Excellency into the contrary belief, let them and their pretensions be, who or what they will, they do not aim at the true interest of this people, nor any ways contribute to your Excellency's own ease and quiet, but rather engaged to create and keep up Misunderstandings between your Excellency & the Assemblies, and break off that most desirable Harmony and Agreement which ought inviolably to be established between us. The Rehearsal of these things to your Excellency is what we take no pleasure in, but the reverse; and had not the Station we now stand in, indispensibly required this Declaration from us, we had remained silent to this Day.

John Clarke Speaker.

Sent up *Septem. 1st. 1721.* by Mr. Clarke, Mr. Hutchinson and Mr. Epps.

Post Meridiem.

An Account Signed *Isaac Little*, for fitting out a Sloop, and other Expence on the Expedition to *Arowsick*.

Read and

Ordered, That Mr. Clarke, Mr. Hutchinson and Mr. Wainwright be a Committee to audit all the Accompts of the Expedition, and to make their Reports on them to the House.

A Petition Signed *John Benning*, Attorney to *Hugh Hall Esqr.* of *Barbadoes*, praying for Relief.

Read and Referred to the second *Wednesday* of the Sessions of the next Court, and the adverse party be Served with a Copy of the Petition and Order of the Court on it.

Sent up for Concurrence.

A Petition from the Select-men of the Town of *Sutton*, praying that the Tax laid on the Town the last *May* Sessions may be abated for Reasons therein given. Read and Ordered, That the Prayer of the Petition be granted.

Sent up for Concurrence. [18]

A Message by Mr. *Secretary*, relating to the Commissioners of Excise, this Day Chosen, *viz.*

I Negative Mr. *Edward White*.

I Negative Mr. *Joseph Winslow*.

SAMUEL SHUTE.

An Account of the Charges of the Garrison at *Northfield*, amounting to *l.* 187 10 for the last six Months, Signed by *Samuel Partridge Esqr.*

Read and

Ordered, That it be committed to the Committee for the Expedition to *Arowsick*.

A Message by Mr. *Secretary*, That His Excellency had Received the desire of the House, Relating to the Breast-work to be raised at *Kittery*: That he was going to *Piscataqua*, and would see it done.

An Accompt Signed *Joseph Buckminster*, for Subsisting 21 Men 6 Days, that were Impressed for the Expedition to *Arowsick*,

Read and Committed.

Ordered, That Mr. *Wainwright* and Mr. *Fullum*, Go up to the Board and Inquire, Whether they have any thing to send down this Afternoon, and to desire them to meet at 9 of the Clock in the Morning.

The Report of the Committee of both Houses, for Projecting suitable Methods to Secure the Eastern Settlements &c. Read and Referred till to Morrow Morning.

Then the House Adjourned till to Morrow Morning Nine a Clock.

VOTES

Of the House of Representatives.

Jobis 31 Die August. 1721. A. M.

Ordere*d*, That *Elisha Cooke* Esqr. be desired to Supply the *Speakers* Place in his Absence.

Mr. *David Freeman*, Proposed that according to a Vote of the House Past the last Sessions, a Surveyor and Chain-men be appointed to Measure the Land taken from the Town of *Mendon*, by Running the Colony Line.

Which was opposed by Mr. *Daniel Taft*, Representative of the aforesaid Town of *Mendon*. And thereupon,

Ordered, That it be Referred to the Consideration of the next Sessions.

Ordered, That Capt. *Pomry*, Mr. *Stone*, Capt. *Heath*, *Francis Fullum* and *John Wainwright* Esqrs. be a Committee to prepare a Draught, for bringing the Eastern *Indians* to their Obedience.

Ordered, That Col. *Buckminster*, Capt. *Alden* and *John Menzies* Esqr. Go up to the Board and Inquire what is Passed on the Bill, *For the more Easy Levying of Soldiers*; Who Returned, the Council were buisy upon a hearing.

The following Accompts for Billiting of Soldiers, on the Expedition to *Arowsick*, were presented to the House, Read and Committed, viz.

<i>Cornelius White</i> ,	l. 6 6 0
<i>Thomas Wethrell</i> ,	l. 4 7 0
<i>Job Cushman</i> ,	l. 2 12 0

Post Meridiem.

Ordered, That *Josiah Cotton* Esqr. and Mr. *Austin* Go up to the Board and Inquire, what is Passed on the Bill for the more Easy Leveying of Soldiers, which was Referred to this Sessions, Who Returned that nothing was done upon it.

The Committee appointed to prepare a Draught, for bringing the Eastern *Indians* to their Obedience, Reported.

THAT this Government hath sufficient reason to prosecute the Eastern *Indians*, for their open Rebellion lately Committed in the Town of *Arrow-sick*, and bring them to a suitable behaviour and deportment towards this His Majesties Government, it evidently appearing that those *Indians* have oftimes broken through most solemn Covenants and Engagements entred into, and stipulated with this Government for their peaceable and orderly Carriage towards this His Majesties Liege People here: And for the effectual prosecution thereof do propose; [20] That 150 Effective Men be added to the 350 already in Service in the *Eastern Settlements*.

That 300 of said Men at least be sent in quest of said *Indians* to March to their Head quarters, or such other places as may be likely to find them in, and to make demands for an equivalent from them for the damages we have sustained by their Insults; and in case they refuse or neglect to make Restitution and Reparation for the same, that then the Commanding Officer shall take as many of their principal men as he shall judge needful for Hostages, till they do make Restitution and Satisfaction for the damages they have done to our *Eastern* Settlements by the many repeated Insults and Hostilities by them committed, and in Menacing and Disturbing His Majesties Liege Subjects, by appearing in Arms under *French* Colours at the Town of *Arowsick*, and requiring them to remove off their Settlements there, which they are justly and lawfully possessed of. The two Crowns of *Great Britain* and *France* being now under the strictest Amity and Friendship.

And to oblige them to surrender and bring in Mr. *Rallee*, and any other Jesuit that may be Living among them in this Province (it being contrary to a known good and wholesom Law of this Province) to such places as the Commanding Officer shall direct them.

Also to oblige them to bring in and deliver Monsieur *Castine*, a *French* Gentleman residing in those parts of the *British* Dominion, who (as this Government is informed) was the fomenter of the said Insolence and Hostility, by Heading the *Indians* when they marched into the Town of *Arowsick* under *French* Colours.

And in case the *Indians* do not deliver an Equivalent for the damages and insolencies as aforesaid, and refuse to deliver Hostages for the same, but oppose them by force, or fire upon them, that then they proceed to kill and destroy them by force of Arms, and waste as much of their Substance as they are able.

And that the remainder of the Forces be posted to cover the most exposed places of the *Eastern* Settlements, at the discretion of his Excellency.

That 50 more good Effective men be employed as Scouts for securing the *Western* Frontiers, to be posted in such Towns as his Excellency shall judge most needful.

The Committee are further of Opinion, that an Act be made for Levying Soldiers, and that the Soldiers that are already Impressed and in Service, so many of them as see cause to Inlist, shall receive out of the Publick Treasury *Forty Shillings per Man* as a Bounty, and all others that shall Enlist in the said Service.

Finally, The Committee are of Opinion, that suitable Presents be made to the five Nations of *Maquois* to renew and maintain the Friendship we have always kept up with them.

Read and Accepted. Sent up.

Ordered, That Mr. *Heath* and Mr. *Knowlton* Go up to the Board, and inform them that the House is ready to proceed to the Choice of the two Commissioners of Excise wanting for the Counties of *Suffolk* and *Bristol*.

Then the House proceeded to bring in their Votes for a Commissioner of Excise for the County of *Suffolk*, which were carried up by the former Committee, who Returned, That *William Dudley* Esqr. was Chosen by a major part of the Votes.

Then the Votes for a Commissioner of Excise for the County of *Bristol* were sent up by the said Committee, who Returned, That Mr. *Joseph Southworth* was Chosen by a major part of the Votes.

A Message by *Isaac Winslow* and *John Cushing* Esqrs. with Mr. *Secretary*, who Read to the House as follows *viz.* [21]

Mr. *Speaker.*

HIS Excellency and the Board have taken Notice of several Mistakes in the Printed Votes of the House of Representatives, for the last Session as to some Messages sent down, by which they are either rendered Unintelligible or liable to Misconstruction; Particularly in the last Paragraph of a Message of the Board, Dated *June 27th.* Relating to their Amendment, on the Resolve for *l. 5000*, Where the word [Difficulty] is put in the Room of the Word [Deficiency] & another in a Message of the Board Relating to Mr. Agent *Dummer*, in which the Word [Discrimination] in the room of the Word [Determination] And further in an Order of the House, Dated *July 8th. A. M. Viz.* "Ordered, That Mr. *Cooke*, Mr. *Knowlton* & Mr. *Gardner* be a Committee to draw up a Memorial "on his Excellencies Delaying to pass upon the List of Commissioners of Excise, "till he knows what the House will give him: Whereas the Governour's Answer to the House (upon which that Order seems to be founded) was, "That he had "sent down ten times, That he had the List under Consideration, and that he "might as well send down to the House to know what they had done about his "Salary, and that the House knew what they had before them; as may appear by the said Printed Votes; and in the Printed Votes of the present Session, they observe that in a Message by the *Secretary*, *Fol 5.* It is said, [that his Excellency had desired the Board to Adjourn, &c.] Whereas the *Secretary* does affirm that his words were [that his Excellency had directed the Board to Adjourn, &c.]

And therefore his Excellency and the Board desire that proper care may be taken by the Honourable House, that what goes down from the Governour or Council may be truly Printed.

In Council, *August 31. 1721. Voted*, That the above Message be sent down to the Honourable House of Representatives.

J. Willard, Secretary.

A Message by Mr. *Secretary*, relating to the Commissioners of Excise as follows

I Accept of *William Dudley*, Esqr.

I Accept of Mr. *Joseph Southworth*.

SAMUEL SHUTE.

Then the House proceeded to Examine the Precepts returned from those Towns that have not sent their Representatives, and *Voted*, That the Towns of *Oxford, Sutton, Midway, Needham, Hull, Westborough, Dunstable, Manchester, Suffield, Enfield, Deerfield, Abington, Barrington, Chatham, Falmouth* and *Scarborough* be Excused for the Reasons given in their Returns; but that the Precepts be sent to the Towns of *Yarmouth, Wells* and *Hatfield*.

Then the House Adjourned till to Morrow Morning Ten a Clock. [22]

Veneris 1 Die Septembris, 1721 A. M.

The Committee appointed to prepare an Answer to his Excellencies Speech, Reported as follows.

May it Please your Excellency.

When we consider the repeated Injuries and Wrongs that the *Eastern Indian* Salvages have from time to time perpetrated and done upon His Majesties Subjects, inhabiting Lands belonging to this Province without the least provocation pretended by them, and the kind treatment they have always had from this Government, the gentle and easie methods used to bring them to an acknowledgment of their base and vile carriage towards those people, and that after they have been brought to confess and bewail their folly and wickedness therefor, yet soon after repeat their Outrages and Insolencies, break through all Obligations and Promises.

When we consider what number of *English* Families are now so well Settled in our *Eastern* parts, and beginning to live upon hard Labour (and could they be encouraged and protected by this Province, and screened from the rage and fury of those *Indians*) they would soon be able not only to supply themselves with all Necessaries for life, but send Provisions, Lumber & other the produce of this Country to Foreign Markets.

When we consider that if those people have not some relief and succour from this Government, they will not be able any longer to subsist under their present difficulties and unspeakable hardships they daily labour under by reason of the fears and affrightments they are put into by the unruly behaviour and threatening speeches of those black Miscreants, they in a manner carrying their lives daily in their hands, are beat off from their necessary Husbandry, and providing for a long Winter, which will necessitate them to quit their Habitations, and bring off their Stocks of Cattle, &c. to the Ruin of many of them who will be forced in among our Towns, and brought to Beggery. Surely therefore when we think of these things, it stirs up in us bowels of pity and compassion to our Neighbours groaning under such heavy pressures.

When we consider the unparallell'd impudence of these *Indian* Rebels in their

late appearing in the Town of *Arowsick*, some time in the Month of *July* last, in the hostile manner they did under *French* Colours, and sent your Excellency that imperious Letter, stuff full of the most scornful expressions, and audacious menaces and threats to the people there;

We are very sensible their feeble condition and posture to defend themselves, required a number of men for their safe-guard; and we look upon it the bounden duty of this Government, immediately to endeavour to bring those *Indians* to their former Obedience and Submission to their Sovereign Lord King *GEORGE*, and your Excellency may depend upon all necessary aid and assistance from this House to pursue that matter.

The Bill to prevent the Plague coming in among us hath passed both Houses; wherefore we shall say no further to that head in your Excellency's Speech.

Notwithstanding what the Lords Commissioners of Trade and Plantations have wrote to your Excellency concerning your power of Non-concurring the Choice of a *Speaker*, and the opinion of the Attorney General in *England* thereon; We beg leave in all deference to that Board or Mr. Attorney's Opinion, to esteem it our duty to maintain and enjoy all the Rights and Liberties which we claim, or ought to claim by the Royal Charter; or what is the Right of this people, either as [23] *English* men, or by force and virtue of any Laws made by this Government; and inasmuch as the Charter is wholly silent touching the Election of a *Speaker*, and the Law of this Province, made in the fourth year of King *William* and Queen *Mary* directs that matter; We would humbly presume, that it can in no wise be an offence to His Majesty, or taken as a disrespect or slight upon His Majesty's Instructions, or bearing upon His Royal Prerogative, for the House of Representatives to claim the sole Election, & constituting of a *Speaker*; We shall not trouble your Excellency with any reply upon the Reasons of your parting with the last Assembly, that being already touched upon by this House, but we do heartily to a man propose to demean our selves as good true Royal and Dutiful Subjects ought always to do.

Read and Accepted. Sent up by Mr. *Fullum*, Mr. *Menzies* and Mr. *Wainwright*.

Ordered, That *John Wainwright*, *Francis Fullum* Esqrs. and Capt. *Heath*, Go up to the Honourable Board and inquire, Whether any thing be done on the Bill for Levying Souldiers, and Whether they have Passed on a Resolve of this House Sent up last Night, Respecting the Securing of the Eastern and other our Frontier Settlements: as also on the Vote Referring to *Salisbury* affairs. Who Returned that the Council said they were now considering the *Salisbury* affairs, and as to the Bill for Levying Souldiers, it is Projected by the last Court and ought to be Revived in the House, and that if the House desired they would send the Bill down.

A Petition Signed by *Robert Orange*, Praying, That he may be allowed

1. 3 9 0 for Piloting His Majesties Ship *Sea-horse* down to *Brid-Island*, when She was Infected with the small Pox. Read and

Resolved, That the Sum of *Three Pounds, Nine Shillings*, be allowed & Paid out of the Publick Treasury to *Rob. Orange*, in full Discharge of his Accompt.

Ordered, That Mr. *Pomry*, Go up to the Honourable Board, and desire them to send down the Bill for Levying Souldiers &c. Who Returned with the said Bill.

Ordered, That Mr. *Clarke*, Mr. *Pomry* and Mr. *Heath*, be a Committee to prepare a Bill for the more Easie Levying Soldiers, and preventing of False Musters.

Edward Bromfield Esqr. brought down a Petition Signed by *Nathaniel Pain*, *Seth Pope* and *John Rogers*, &c. Justices for the County of *Bristol*, Praying that a Certain Sum, may be Granted for a Yearly Sallary, to the Towns of *Freetown* and *Tiverton*, and some Subsistance to the Reverend Mr. *Hunt*, Minister of *Dartmouth*, Read and Dismist, but proposed,

That it be Recommended to the Justices of the County of *Bristol*, that the Laws for Supporting the Ministry may be Executed.

Boston, Sept. 1st. 1721. A Message by Mr. *Secretary*, viz.
Gentlemen of the House of Representatives,

I Have perused your long Answer to my Speech made at the Dissolution of the last General Assembly; all the Reply that I shall make is, That I am sorry we are so distant in our Opinions, and must assure you that I have made His Majesties Instructions, and the Royal Charter the [24] constant Rule of my Administration according to my best Apprehension.

I hope the proceedings of the last House of Representatives, are gone to *England*, Pursuant to their Vote, and that this House will send over what you have now Address to me, that His Majesty may Judge between us.

SAMUEL SHUTE.

WHEREAS his Excellency the Governour, has lately Received a most Impudent, Sawcy and Insolent Letter, from the Eastern *Indian* Rebels, under the Signature of the Nation of the *Abnaquise*, and of the *Indians* their Allies, wherein His Majesties Royal Prerogative, and His Liege People are after a most Vile and Insolent manner Treated, and Menaced: And this House highly Resenting so great Indignity to His Majesties Prerogative, as well as their Base & Imperious Expressions towards His Majesties most dutiful Subjects at the Town of *Arowsick*, in *July* last, where they have since appeared in a Hostile manner under *French* Colours to the great annoyance and disturbance of His Majasties Subjects there rightfully Settled, directly contrary to all former Treaties & Solemn Covenants heretofore Made and Stipulated.

And to the Intent that His Majesties Subjetes may have the certainty of their wicked Devices and Audacious attempts.

Resolved, That the said Letter be Printed in the Journal of the House of Representatives, which follows, being exactly Translated from the *French*.

Great Captain of the *English*.

THou seest by the Treaty of Peace, of which I send thee a Copy, that thou thoughtest to live peaceably with me. Is it to live in peace with me, to take away my Land against my Will, my Land which I have received from God alone? my Land which no King nor strange Power has been able, nor is able to dispose of against my will, which thou dost nevertheless for several years since, in settling thy self there, and in fortifying thy self against my will, as thou hast done in my River *Assirmirkangon* of *Kennibekke* in that of *Mattstidouanousis*, and other places, & very lately in my River of *Anmoukangan*, where I was surprized to see a Fort, which they told me was Built by thy Orders.

Consider Great Captain, that I have often bid you to retire from off my Land, and that I tell thee so again now for the last time; My Land don't belong to thee, neither by right of Conquest, nor by Donation, nor by Purchase: It's not thine by right of Conquest? When didst thou drive me from thence? And have not I driven thee away thence? every time we have had a War together, which proves it is mine by several Titles. It's not thine by Donation, The King of *France* thou say'st has given it to thee, But could he give it thee? Am I his Subject? The *Indians* have given it to thee. Some few *Indians* which thou didst surprize by causing them to drink, could they give it thee, to the prejudice of their whole Nation, who very far from ratifying that Donation, which would be necessary to give thee Right to it, declare it to be vain and deceitful. Some one have lent thee some places, but know thou that all the Nation revokes the lending, because of the abuse which thou hast done me. When did they permit thee to Build Forts, and to advance as far as thou hast done in their River? It's none of thine by reason of purchase; And I am told a thing which my Grandfathers and Fathers never told me, that they had Sold my Land, when some one may have [25] Sold some places, which is not so, since thou canst not say that thou hast sufficiently paid for the least of the Islands which thou seizest on; I have right to Re-enter in an Estate which they could not alienate to my prejudice, and which I have so many times Reconquer'd. I expect then thy Answer in three Sabbath days. If in that term thou dost not write to me that thou wilt retire from off my Land, I shall bid thee no more to Retire, and I shall believe that thou wilt make thy self Master of it against my will. As for the rest, these are not the words of four or five *Indians*; who by thy Presents, lies and crafts thou thinkest to cause easily to fall into thy Sentiments: It's the word of the whole Nation of *Abnaquise* spread out on this Continent, and in *Canada*, and of all the Christian *Indians*, their Allies,

which are on purpose at *Pemsler*, to speak to thee about my Land; and who after they had waited for thee above fifty days, and my people which I am surprized that thou dost not send back contrary to thy word, Summons thee to retire from off the Land of the *Abnaquis*, which thou wilt usurp unjustly, and which has for its Boundaries the River of *Kounibigou*, which separates it from the Land of the *Mohawks*. I have right to demand of thee all that space which lies from that River as far as I am, since thou possessest nothing of it, but by surprize, but I am willing to leave thee in that space, on condition, that absolutely there shall not one *English* man lodge within a League near my River of *Pigouwakki*, nor from that Boundary all along the Sea-side, which answers to the whole extent of my Land, nor at the bottom of my River, nor in any of the Islands that answer to my Land, which are at large, and where my Cannoe may pass. If some particular *Indians* given to drink bid thee Settle there where thou didst formerly lodge, know thou that the whole Nation disallows of that permission, and that I will go burn their Houses after I have pillaged them. I expect thy answer at my Village of *Narrantsouakit* by my people that are at *Boston*, in *French*, as I write to thee. If thou writest to me in *English*, I shall believe that thou art not willing to be understood, and that you will retain my Land, and my people against my will, which I tell thee again to return to me, because the Land is mine; and as for my four men, I give you the Ransome which we have agreed on, to acquit my self of my word, although I owe thee nothing. It's the word of all the Nations of the *Abinaquise*, scattered about the Continent, and in *Canada*, and of all the Catholick *Indians*, *Hurons*, *Mohawks*, *Mikemaki*, and other Allies of *Abnaquis*; the Ancients whereof, and their Deputies have appear'd and talkt together at the place called *Menaskouk* at the River. July 23. 1721.

Know furthermore, Great Captain, that the whole *Abnaquise* Nation protest, that all the Acts that thou hast pass'd hitherto with the *Indians*, are null, and because they have not been acknowledged nor receiv'd by the whole Nation, and because they were only the effects of thy Treacheries, as in that of *Piscataqua*, on which thou buildest so strongly, where thou didst so falsly make the *Indians* believe that thou wert the sole Master of the Land; that the King of *France* had given thee their Country; as if a King could give away what don't belong to him. An effect of the Drink which thou givest in abundance to the *Indians*, after which they promise thee whatever thou wilt have. An effect of the violence which thou hast exercis'd towards them in several Re-encounters, and very lately the last Winter, where after ten were call'd to speak with thee, on the subject of the Cattle which they had kill'd, and which they had right to kill, to oblige thee thereby to Retire from a Land which don't belong to thee, thou causedst them to go into a House, & afterwards to be surrounded with Two Hundred *English* Men, Armed with Pistols and Swords; thou obligedst to leave four for the Cattle that were killed. Thou didst carry those four men Prisoners to *Boston*, and didst

promise to remit those four men, by giving thee two hundred Beavers; the Beavers are given, and at this time thou retainest those four men, by what right? [26]

The Signature of the Nations of the Abnaquoise, and of the Indians their Allies.

Those of *Norransouak*

of *Pentagouet*.

of *Narrakmigon*.

of *Annafarkanti*.

of *Merasibessek*.

of *Pegouskki*.

of *Medoktek*.

of *Dekoupahang*.

of *Pesmouhanti*.

of *Darsikantigou*.

of *Dauauouinak*. Their Allies

The *Mohawks of Santi*.

The *Mohawks of the Mountains*.

The *Algonquins*.

The *Hurons*.

The *Mikemaks*.

The *Mountainiers on the North-side*.

The *Papinchois, & other Neighbouring Nations*.

A Petition Signed by *Grace Stevens* of *Boston*, Praying that this Court would direct the Genral Sessions of the Peace for the County of *Suffolk*, to allow her to renew her Licence for Reasons therein given, Read and

Resolved, That the Prayer of the Petition be Granted, and that the Justices of the Peace for said County, be Directed to Grant the Petitioner a Licence for Retailing upon a proper Application, and that in the mean time she be allowed to Retail.

Sent up for Concurrence.

An Account Signed *James Clarke*, amounting to *l. 6 16 o.* for his attendance on the House the last Sessions at *Cambridge*, Read and

Resolved, That the Sum of *l. 6 16 o.* be Allowed and Paid out of the *Publick Treasury* to Mr. *James Clarke*, to Discharge the said Accompt.

Sent up for Concurrence.

A Message by Mr. *Secretary*, That his Excellency had directed him to acquaint the House, That the Affairs of the Government Requires the Appointing an Attorney General, and therefore proposes that the Court proceed to the Election of one this Sessions.

Post Meridiem.

A Petition Signed *John Pinder*, Sent down from the Board, and Passed upon there viz. In Council *September 1st 1721*. Read and

Ordered, That the Petitioners serve the Adverse party with a Copy of this Petition, that so he may give in Answer thereto, on the first Week of the next Sessions (if he think fit) to shew cause if any he have, why the Prayer of the

Petition may not be granted, and that in the mean time the Writ of Trespass and Ejectment be continued.

Read and Concurred. [27]

A Message by Mr. *Secretary*, viz.

In Council *Septemb. 1st. 1721. Ordered*, That *John Appleton, Thomas Noyes and John Burrill Esqrs.* with such as the Honourable House of Representatives shall appoint, be a Committee to meet with such Gentlemen as shall be impowered from the Government of *New-Hampshire* at the Town of *Salisbury* or *Hampton*, (as shall be agreed on) during the Recess of this Court, to consider of the unhappy differences between the two Governments, touching several Families near the Line of Division of the Provinces, challenged by both Governments. And to propose & prepare some Agreement or Method, for the Rating or Excusing from Rates, the Families in dispute for the present, and until some final Settlement be made of the Boundary of the Provinces; And Report their proceedings thereon to the next Sessions of this Court for their further order thereon: And that all Law-Suits and Processes touching the said Families in the mean time cease or be continued. Provided the Province of *New-Hampshire* be under the same Restriction.

Josiah Willard *Secretary*.

Sent down for Concurrence.

Read and Non-concurred.

Sabbati 2 Die Septembris, 1721. A. M.

O *Ordered*, That Mr. *Treasurer* be directed to provide a number of Blankets, Shoes and Stockings, as are necessary for the Forces at the *Eastward*.

Sent up for Concurrence.

A Bill for the more easie Levying and Regulating Soldiers. Read a first time.

The Committee for the Expedition to *Arowsick*, Reported, that the following Accompts were perused, and found just, viz.

<i>Samuel Marshal</i> for a Boat <i>per Bill</i>	<i>l.</i>	1....11....8
<i>Thomas Witherel's</i> for Billiting	<i>l.</i>	4.... 7....
<i>Job Cushman</i> Ditto	<i>l.</i>	2....12....
<i>Cornelius White</i> Ditto	<i>l.</i>	6.... 6....8
<i>Joseph Buckminster</i> Ditto	<i>l.</i>	7....17....6
<i>Richard Langdon</i> for Sloop Hire for the Commissioners.....	<i>l.</i>	51.... 7....
<i>Isaac Little</i> , Hire for Soldiers, &c.....	<i>l.</i>	76....17....

l. 150....18...10

Read & Resolved, that the above seven Accompts, amounting in all to the Sum

of l. 150 18 10 be allowed & paid out of the Publick Treasury to the respective persons, to discharge their said Accompts.

Sent up for Concurrence.

A Petition Signed by 150 Inhabitants of the Town of *Concord, Sudbury, &c.* praying that a Damm made by Mr. *Christopher Asgood* on *Sudbury* River may be taken away for reasons therein. Read and Referred to the consideration of the next Sessions. [28]

The Committee appointed the last Sessions to Survey a Stream, &c. petitioned for by Mr. *Thomas Drury*, on *Sutton* River, reported, That they have been upon the place, and find that the Stream is very commodious to set a Mill upon, and the Land being but very indifferent, will hardly be sufficient for a Settlement and convenience of Ways for a Grist Mill to and from the same, unless the whole Land described in the Platt taken by Capt. *William Ward* Surveyor, may be purchased of the *Indians*, which the Committee are humbly of opinion, that it may be allowed.

By order of the Committee,

Joseph Buckminster.

Read, Accepted and sent up for Concurrence.

Ordered, That Mr. *Wainwright*, Mr. *Moodey* and Mr. *Morrill* go up to the Board and enquire, what they have acted upon the Vote of this House, in respect of *Salisbury* Petition, who returned, That it was Non-concurred by the Board.

A Bill for Collecting of Duties.

Read a first time.

Ordered, That Mr. *Wainwright*, Mr. *Pomry*, Capt. *Throop*, Mr. *Morrill*, & Mr. *Heath*, be a Committee to project some Methods for the Relief of the *Salisbury* men, now in Goal, at *Portsmouth*, for not paying Rates to that Province.

Then the House Adjourned till Monday Next Three a Clock Afternoon.

VOTES

Of the House of Representatives.

June 4 Die Septembris. 1721. P. M.

THE Precept sent to the Town of *Bristol*, for Chusing a Representative was Returned the 2d Instant, and Capt. *William Throop* Chosen, Who was sent up to the Board to take the Oaths Appointed by the Royal Charter. A Petition Signed by *Joseph Bucknam* and *James Barrett*, a Committee Chosen by the Inhabitants of *Charlestown*, on the North-side of *Mistick* River; praying that they may be taken from *Charlestown*, and added to the Town of *Malden*, for reasons therein given.

Read and Referred to a Hearing on the first *Friday* of the next Sessions of the General Court, and that *Charlestown* be Served with a Copy of the Petition.

Sent up for Concurrence.

A Bill for the more easie Levying of Souldiers. Read a second time.

A Bill for Collecting of Duties. Read a second time.

An Accompt Signed *John Appleton*, Treasurer of the County of *Essex*, for the year 1720. was presented to the House, and

Read and Accepted. Sent up for Concurrence.

An Accompt Signed *John Appleton*, amounting to *l. 13 2* for Subsisting 20 men four days on the Expedition to *Arowsick*. Read & Committed.

WHEREAS by an Act of the Great and General Court or Assembly, at a Sessions in *Cambridge* by Adjournment on *Tuesday* the 6th of *June* last past, the Justices of the General Sessions of the Peace are directed to take sufficient Recognizances of all persons by them Licensed after the Granting such Licences within the space of ten days.

And all persons refusing to give Bond within that time, shall loose the benefit of such Licence.

And whereas many Inn-holders and Retailers, not knowing they were to pursue that matter in such a space of time, neglected to renew their Licence, and give Bond as by the Act is directed.

Resolved, That the Justices at the next General Sessions of the Peace in the several Counties may proceed to renew and grant such Licences as fell through the neglect aforesaid (notwithstanding the clause in the aforesaid Law) and that they Retail in the mean time, paying the Duties by Law obliged.

Sent up for Concurrence.

A Bill for the more easie Levying and Regulating of Souldiers.

Read a third time. And [30]

Resolved, That the Bill do pass to be Engrossed. Sent up by Col. *Spurr*, Capt. *Ward* and Capt. *Northen*.

A Message by Mr. *Secretary* with the Order following.

At the Court of St. *James's* the 7th of May, 1721. Present
the KING'S Most Excellent Majesty.

Archbishop of <i>Canterbury</i> .	Duke of <i>Bolton</i> .
Lord <i>Chancellor</i> .	Duke of <i>Korborough</i> .
Lord <i>President</i> .	Earl of <i>Sunderland</i> .
Duke of <i>Grafton</i> .	Lord <i>Carteret</i> .

Mr. *Walpole*.

WHereas by Commission under the Great Seal of *Great Britain*, the Governour, Council and Assembly of His Majesties Province of the *Massachusetts-Bay*, are Authorized and Impowered to Make, Constitute and Ordain Laws, Statutes and Ordinances, for the Publick Peace, Welfare and good Government of the said Province; Which Laws, Statutes and Ordinances are to be as near as conveniently may be agreeable to the Laws & Statutes of this Kingdom, and are to be transmitted to His Majesty for His Royal Approbation or Dissallowance: And whereas in pursuance of the said Power, An Act was passed in the said Province of the *Massachusetts-Bay*, in the year 1718. Intituled, An Act, *For the better Regulating the Culling of Fish*.

Which Act having been perused and considered by the Right Honourable the Lords Commissioners for Trade and Plantations, and by them Represented to this Board with their humble Opinion, That the same ought to be Repealed.

His Majesty is this day pleased with the Advice of His Privy Council, to Declare His Disallowance and Disapprobation of the said Act, and pursuant to His Majesties Royal Pleasure thereon, the said Act is hereby Repealed, and declared Void and of no Effect.

Robert Hale.

Ordered, That Mr. *Heath*, Mr. *Pomry*, Mr. *White* and Mr. *Stevens* be a Committee to Go up to the Board and Inquire what they have done with the Vote of this House sent up, respecting the *Eastern Indians*, who Returned & said, That the Council was Adjourned.

Then the House Adjourned till to Morrow Morning Nine a Clock.

Martis 5 Die Septembris, 1721: A. M.

AN Account Signed <i>John Flagg</i> Amounting to	l. 4 4 6
An Account Signed <i>Nicholas Boone</i> for Printing &c. Amo.	l. 59 15
An Account of <i>Edward Winslow</i> Esqr. for sending the Votes of the House to the several Counties	l. 10 19
Ditto. For Expresses of Councils	l. 7 15
Ditto. For Repairing the Province-House	l. 22 4 5

Which Accounts were Read and Referred to the Committee for the *Eastern Expedition*. [31]

A Message by Mr. *Secretary*, viz.

Gentlemen of the House of Representatives, *Sept. 5th. 1721.*

I Remark in your Answer to my Speech, that tho' I communicated to you what I lately Received from the Right Honourable the Lords of Trade and Plantations, Accompanied with the Opinion of His Majesties Attorney General, yet you seem to continue in your sentiments, (That His Majesties Governour has nothing to do either in Refusing or Approving the choice of a *Speaker*.) It's therefore very necessary, and will be very acceptable to me, that you should state your Case, and send it Home to some Persons Learned in the Law, and give them Directions to Apply to the Government in this affair, for you cannot but be sensible, it is my duty to follow this, and all other His Majesties Instructions untill they are Countermanded. I expect your Answer before this Court Rises,
SAMUEL SHUTE.

Ordered, That Mr. *Speaker Cooke*, Mr. *William Clark*, *Francis Fullum Esqr.* *Capt. Pomry*, *John Wainwright Esqr.* *Capt. Heath*, and Mr. *Torry*, be a Committee to prepare an Answer to this Message, and a Draught Respecting the Power of Removing the General Court.

The Committee appointed to wait on the Board, and Inquire what was done on the Vote relating to the *Eastern Indians*, Who Returned, that they were going to consider of it.

Mr. *Wainwright* from the Committee Reported.

WHEREAS the Town of Salisbury, lying within the Province of the Massachusetts-Bay, and the Town of Hampton, lying within the Province of New-Hampshire, have Laboured in a long controversy arising upon their different Opinions Respecting the Bounds of the Provinces, as to the dividing Line between them Governments and the Town of Salisbury, at least some of them have been Taxed and Assessed to both Governments, which is unjust and illegal, and there has been many Essays for the quiet of those People, and all as yet ineffectual: And this Government being always desirous to keep up and maintain a good Agreement and Friendship with that Government, & holding it our bounden duty and desire to protect the Inhabitants of our own Government from all Injuries & Oppressions.

Resolved, That the Town of Salisbury Rate and Assess, all the Inhabitants in their Town lying to the Southward of the Line called *Shaply's Line*, which heretofore was acknowledged to be the Bounds between the Provinces. And if hereafter it shall be determined that the Bounds of the Province of *New-Hampshire* shall extend to the Southward of said *Shapley's Line*, that then this Province shall Reimburse the said Province of *New-Hampshire*, so much Money as the

Town of *Salisbury* shall Tax the said Inhabitants of the Southward of the said *Shaply's* Line, and that all Persons that are Imprisoned or Arrested, touching any of the Differences aforesaid be Released, and that all Writs and Processes Commenced by either Governments, Respecting the aforesaid Differences, be declared Null and Void. [32] Provided the Government of *New-Hampshire* conform thereto, and that his Excellency the Governour be desired to acquaint his other Government of *New-Hampshire*, that they may act in conformity.

Read and Accepted,

Sent up for Concurrence.

Samuel Thaxter Esqr. Brought down the Order for Prosecuting the Eastern Indians. As follows, viz.

In Council, *September 4. 1721.*

Resolved, That this Government hath sufficient reason to prosecute the *Eastern Indians*, for their many breaches of their Covenants and Treaties; more especially for the Open Rebellion lately committed at *Arowsick*, and to demand satisfaction for the Injuries done to His Majesties Subjects in those parts, and security for their peaceable Behaviour for the future: And in order thereto, That his Excellency be desired to Issue out a Proclamation to be sent and interpreted to the *Indians*, commanding them upon pain of being prosecuted with the utmost severity, to deliver up the *Jesuits*, and other heads, and Fomenters of their Rebellion, at *Boston* by the first day of *November* next at furthest, and to make satisfaction for the damage done by their repeated Hostilities, and make proper submission for their insolent Letter to his Excellency and this Government.

And in case the said *Indians* shall neglect or refuse to deliver up the Heads & Fomenters of their Rebellion, to make satisfaction and submission as aforesaid. That then 150 effective men be added to the 350 now in the *Eastern Service*, & that 300 at the least be sent in quest of the *Indians* to march up to their Headquarters at *Norridgewock*, or other places where they may be found. And that the Commanding Officer Order, that as many of the principal men, as he shall judge meet, be taken and seized as Hostages till they make Restitution and Satisfaction as aforesaid, and that *Monsieur Rallee*, and any other *French Priest* Residing among them, be seized, secured, and sent to *Boston*.

And in case the *Indians* shall forceably oppose them in their said Attempt, that then they proceed to repel force by force.

That the remainder of the Forces be posted to cover the most exposed places in the *Eastern Settlements*, at the discretion of his Excellency.

That an Officer with a party of 30 Souldiers of the Forces be sent to apprehend *Monsieur Castein*, and that he be sent to *Boston*, to answer for his Heading the *Indians*, in their late hostile appearance under *French Colours* at *Arowsick*.

That 50 more good effective men be employed as Scouts for security of the

Western Frontiers, to be posted in such Towns as his Excellency shall judge most needful.

That the Souldiers that are already Impressed, and all others that shall see cause to Enlist, shall receive out of the Publick Treasury *Forty Shillings per man*, & that a Present not exceeding in value be made to the Five Nations of the *Maquois*, to maintain and renew the Friendship between this Government & those Nations.

Sent down for Concurrence.

A Bill for Collecting of Duties. Read a third time. And

Resolved, That the same do pass to be Engrossed. Sent up.

Ordered, That the House proceed to the Choice of an Attorney General, at Four a Clock in the Afternoon. [33]

Post Meridiem.

Resolved,

THAT this Government hath sufficient reason to prosecute the *Eastern Indians*, for their many Breaches of Covenants and Treaties; more especially for their Open Rebellion lately committed at *Arowsick*, and to demand Satisfaction for the Injuries done to His Majesties Subjects in those parts; and security for their peaceable behaviour for the future, and for the effectual prosecution thereof, that 150 effective men be added to the 350 already in Service in the *Eastern Settlements*, & that 300 of said men at least be sent in quest of the said *Indians*, to March to their Head-Quarters, or such other place as may be most likely to find them at, seizing and securing as many as they can find in their Marches; and that his Excellency be desired to Issue out a Proclamation to be sent to the Commanding Officer of the said Forces to be interpreted to the said *Indians*, commanding them upon pain of being prosecuted with the utmost severity, to deliver up the *Jesuits*, & other Heads and Fomenters of the late Rebellion, and to make satisfaction for the damages done by their repeated Hostilities, and proper submission for their insolent Letter to this Government and to his Excellency.

And in case they refuse or neglect immediately to comply fully with the said Proclamation, that then the Commanding Officer Order that as many of their principal men as he shall think meet, be taken and seized as Hostages, till they make Restitution and Satisfaction as aforesaid. And that Monsieur *Rallee*, and any other *French Priest* among them be seized, secured and sent to *Boston*: And in case the *Indians* shall forceably oppose them in their said attempt, that then they proceed to repel force by force.

That the remainder of the Forces be posted to cover the most exposed places in the *Eastern Settlements*, at the discretion of his Excellency the Governour; and that an Officer with a party of 30 Souldiers of the Forces be sent to Apprehend

Monsieur *Castein*, and that he be sent to *Boston* to answer for his Heading the *Indians* in their late hostile appearance under *French* Colours at *Arowsick*.

That 50 good and effective men be employed as Scouts for securing of the *Western* Frontiers, to be posted in such Towns as his Excellency shall judge most needful.

That the Souldiers that are already Impressed, and all others that shall see cause to Enlist, shall receive out of the Publick Treasury, *Forty Shillings per man* as a Bounty.

And that a Present not exceeding *l. 1000* in value be sent to the Five Nations of *Maquois*, to maintain and renew the ancient friendship between this Government and those Nations.

Sent up by Mr. *Spurr*, Mr. *Austin*, Mr. *Pomry*.

Mr. Treasurer *Allen* was Admitted into the House, presented his Accompt of Expence on the *Eastern* Expedition. And withdrew.

Ordered, That Mr. *William Clarke*, Mr. *Wainwright* and Mr. *Hutchinson* be a Committee to Audit the said Accompt.

Then the House proceeded to bring in their Votes for an Attorney General, which were carried up by Mr. *Pomry*, Mr. *Fullum* and Mr. *Heath*, who were Ordered to count the said Votes with the Votes of the Board, and report who was Chosen, they accordingly returned, that Mr. *John Read* was Chosen by a major part of the Votes.

W Hereas by an Act of this Governmant, for Emitting the Sum of *l. 50000* in Bills of Credit, at a Sessions of the Great and General Court or As-[34]sembly held at *Boston* by Prorogation on Wednesday the fifteenth of March last past, It is Enacted, That the Province Treasurer as soon as he shall have received the said Bills, do notifie the Select-men of the several Towns thereof, That so they may assemble the Freeholders qualified, as in that Act is provided; to pooceed and take out their proportion of the said Bills (if they see meet) and to deliver them to their respective Trustees, or their Order; taking Receipts for the same. Mr. Treasurer *Allen* informing the House that *l. 40000* of the *l. 50000* are made and finished; but that the other *l. 10000* being made off the Plates of the lowest denomination, necessarily demand some further time before they will be ready to be brought to him. Wherefore

Resolved, That Mr. Treasurer *Allen* shall and may (notwithstanding the afore-said clause in the Act) give out to the Trustees, or their Order of all such Towns as apply to him for their proportion of the said *l. 50000* as far as the Bills in his hands will enable him: And that the Select-men of the several Towns assemble the Freeholders of their respective Towns to Chuse Trustees for the disposing of their proportionable Sums.

Sent up for Concurrence.

Then the House Adjourned till to Morrow Morning Ten a Clock.

Mercurii 6 Die Septembris, 1721. A. M.

A Message by Mr. Secretary, viz. In Council, September 5. 1721.

MR. John Read was Chosen Attorney General for this Province by the majority of the Votes of the Council, and House of Representatives, and Underwritten.

Attested, J. Willard Secretary.

I Negative Mr. John Read.

SAMUEL SHUTE.

Then the Question was put, *Whether the House would proceed to the Choice of another person to sustain that Office.* It Passed in the Negative.

The House being informed, that the four *Indian* Hostages had made their Escape from *Castle-William*.

Resolved, That it is for the Service of this Province, that Dispatches be immediately sent to the Commanding Officer of the Forces in the Frontiers, advising them that the four *Indian* Hostages made their Escape from *Castle-William* the last night, and that he dispatch Expresses to the several Companies and Garrisons in those parts, acquainting them wherewith, that they may be more strict on their Guard, to prevent any surprize.

Sent up for Concurrence.

Ordered, That Mr. Clarke Go up to his Excellency the Governour, and desire him to inform the House how the *Indians* made their escape from the Castle, and the Circumstances of it; who Returned that his Excellency said, he had sent to Capt. Tuthill to inform him, and when he received it, he would send the Account thereof to the House.

A Message by Nathaniel Norden Esqr. viz.

In Council, Sept. 6. 1721. The Vote of the House just sent up, to advise the Commanding Officers in the Frontiers of the Hostages Escape, &c. Was Read and Concurred with this Amendment: And that the several Officers in the Frontiers be Impowered and Commanded to Seiz all the *Eastern Indians* they [35] can, until the said Hostages be either Recovered or Render themselves.

Sent down for Concurrence.

J. Willard Secretary

Read and Concurred.

Sent up.

Mr. Speaker Cooke, pursuant to the Order of the House Reported, The Committee are humbly of Opinion, that it is absolutely necessary for this House to assign the grounds and reasons for their claiming & enjoying the sole Right of Chusing their *Speaker*, exclusive of the Governours Negative, and that it no ways infringes upon, or tends to lessen the Royal Prerogative; and in order thereto, that the Paragraph in the Charter, respecting the Governours Negative on all Elections of the General Court or Assembly, and the Laws of this Province, Made in the Fourth year of King *William* and Queen *Mary*, directing and establishing that Affair, together with the aforesaid Reasons be sent over to the

Court at Home, & that one or more persons learned in the Law be retained on behalf of this House, to defend and maintain our aforesaid Rights.

And that it be made to appear, that the Removal of the General Court from one Town to another, cannot be but by an Act of the Government, the Law having long since fixed the place of the General Courts Sitting.

Farther, That the Answer to his Excellencies Speech, made by this House upon his Dissolving the last General Court be likewise sent over. Wherefore,

Resolved, That Mr. Treasurer *Allen* be, and hereby is directed to purchase Bills of Exchange to the value of *l. 500* Sterling, to be put into the hands of some meet person that shall be Chosen by this House, to manage this Affair, and to Enable him to carry it on, he Rendring to this House an Accompt of his Disbursement of the said Money on this Affair.

Signed by Order of the whole Committee. *Elisha Cooke.*

Read Accepted and

Sent up by Mr. *Clarke*, Mr. *Hutchinson*, Mr. *Wainwright* and Mr. *Pomry*.

John Appleton Esqr. brought down the Vote of this House, for prosecuting the *Eastern Indians* with amendments, which were Read, and the first Amendment relating to a Proclamation to be sent them.

Read and Non-concurred, *Nemine Contradicente.*

The second Amendment of *l. 1000* present to be sent the *Maquois*, bro't to *l. 500*. Concurred and sent up by Mr. *Fullum*, Mr. *Pomry* and Mr. *Wainwright*, who were further Ordered to inform the Board of the Reasons inducing them to Non-concur the first Amendment.

Post Meridiem.

The Committee for Examining the Eastern Expedition to *Arowsick*, &c. Reported, that they Examined the following Accompts, and Recommended them to the House for acceptance, viz.

Mr. <i>Allen</i> ,	<i>l.</i>	1481	4
Col. <i>Partridge</i> ,	<i>l.</i>	187	10
<i>John Flagg</i> ,	<i>l.</i>	4	4 6
			[36]
<i>Edward Winslow</i> Esqr.	<i>l.</i>	22	4 5
Ditto. for two Halberts, &c.	<i>l.</i>	5	15
<i>Nicholas Boone</i> ,	<i>l.</i>	60	15
<i>John Appleton</i> Esqr.	<i>l.</i>	14	2

Resolved, That the foregoing Accompts amounting to the Sum of *Seventeen Hundred Seventy Five Pounds Fifteen Shillings and Four-pence*, be Allowed and Paid out of the Publick Treasury, to the Respective Persons in full Satisfaction of the said Accompts.

Ordered, That Mr. *Knowlton*, Mr. *Stone* and Mr. *Rand*, Go up to the Board and Inquire what has Passed on the Message Relating to the *Indians*: On the Message Relating to *Salisbury*: On the Bill for Levying Soldiers, and on the Bill for Levying Duties on *New-Hampshire*,

Who Returned, The Bill for Levying Soldiers, and *Indian* affairs are past.

Resolved, That the Sum of *l. 20 per Head*, be Paid out of the Publick Treasury to such Person or Persons that shall Seiz & bring back any of the *Indian* Hostages to *Boston*, within Twenty Days from their Escape from *Castle-William*, & that the Western Frontiers be Notified of their Escape to prevent any Surprize.

Sent up for Concurrence.

A Message by Mr. *Secretary*, That the Board have Passed a Concurrence on the Bill for laying Duties on *New-Hampshire*, with an Amendment as to the time of its being in force, because his Excellency is going thither and will see to have their Act taken off.

Read with the Amendment and Concurred, Sent up.

A Message by Mr. *Secretary*, That the Board have Passed on the Bill for Levying Soldiers, with some Amendments,

Which were Read with the Amendments, and Concurred with Amendments, Sent up for Concurrence.

Then the House Adjourned till to Morrow Morning Nine a Clock.

VOTES

Of the House of Representatives.

Jovis 7 Die Septembris. 1721. A. M.

Complaint being made by some of the House, that Mr. *Philip Tabor*, a Member of this House, has constantly absented himself from Prayer, and being demanded by Mr. *Speaker*, the reason of his not attending that part of his duty in the House? Answered that he could not in Conscience joyn with them in Prayer, Whereupon he was Ordered to withdraw, And the House having considered his Answer.

Resolved, That *Philip Tabor*, is unworthy to continue a Member of this House. And then being called in, Mr. *Speaker*, in the Name of the House (after having Admonished him) Declared to him he was Expell'd, and Ordered him immediately to withdraw.

A Message by Mr. *Secretary*, That his Excellency desires to know what is Acted on the Order from the Admiral of *France*, to the Governour of *Canada*, for Releasing our Captives there, because he is going to Write to the Governour of *Canada*.

Voted, That when his Excellency sees cause to Write to the Governour of *Canada*, he would Write pressingly to him, that the *English* remaining there may have Liberty to return Home, and that the Governour of *Canada*, would make the Order known to the Captives by some Proclamation.

Sent up to his Excellency.

Ordered, That Mr. *Stone*, Mr. *Fullum*, and Mr. *Throop*, Go up to the Board and Inquire what they have done on the *Eastern* and *Salisbury* Affairs. Who Returned, that the *Eastern* Affairs are Concurred, and that the *Salisbury* Affair is now under consideration.

Ordered, That Mr. *Pomry*, Mr. *Sanders*, Mr. *Shepley*, Mr. *Ward*, and Mr. *Foot*, be a Committee to Prepare a Draught, for Securing the Western Frontiers, and the Towns on *Merimack* River.

Ordered, That Mr. *Speaker*, Mr. *Heath*, Mr. *Hutchinson*, Mr. *Wainwright* and Mr. *Throop*, be a Committee to prepare a Bill for Prohibiting Trade with the *Eastern Indians*.

A Message by *John Appleton Esqr.* on the Bill for Securing the Inhabitants of *Salisbury*, sent up on the 5th Instant, which was Non-concurred, and a Resolve thereon sent down as follows, *viz.*

In Council Sept. 7th. 1721.

Resolved, That the Inhabitants of *Salisbury*, that live near the Line of Division between the two Provinces, and who have of late Years been [38] Taxed to both Governments, be exempted from Paying Publick Taxes to this Government

till further Order. And that all Persons living near the Line as aforesaid, that are Imprisoned or Arrested belonging to this Government touching their Taxes, shall be Released, and all Writs and Processes Commenced against the Persons aforesaid for their Taxes be declared Null and Void, Provided the Government of New-Hampshire do on their part Act conformable to this Government thereon.

Sent down for Concurrence.

Read and Non-concurred *Nemine Contradicente*.

Ordered, That Mr. *Wainweight*, Mr. *Throop*, Mr. *Pomry*, Mr. *Stone*, and Mr. *Heath*, be a Committee to Conferr with a Committee of the Honourable Board, on the affairs of *Salisbury*, and make their Report thereon.

Sent up for Concurrence.

Post Meridiem.

An Act, To Prohibit Trade and Commerce with the Eastern Indians.

Read a 1st and Second time.

A Copy of the Admiral of *France's* Letter to Monsiuer *Vodril*, Governour of *Canada*, for Returning our Captives, Sent up.

A Message by *John Burril* and *John Turner* Esqrs. with the Vote of this House sent up Yesterday, for defending our Right in Chusing a *Speaker*, (exclusive of his Excellencies Negative) by imploying some meet Person to Maintain and Defend it at Home, and the Right of Removing the General Courts: And the Treasurers Supplying some meet Person, to be Employed by this House with *l. 500 Sterl.* for Managing these affairs: which was Non-concurred, And a Vote of Council upon it, *viz.*

In Council *September 7th 1721*. The Board cannot think it proper or agreeable to this Court, when the Honourable House had appointed a Committee and accepted their Report; That their Vote of acceptance should be sent up for Concurrence, it being only the Votes, Orders and Resolutions of the House, that the Board are concerned with or Pass upon. The Board also desire to know, whether the Honourable House do not intend the Council shall joyn in the Choice of the Agent or Person to receive the Money and Manage the affair, and the rather because the Person to be Chosen is to Render to the Court an Account of his Disbursements. The Board further propose, Whether a far lesser Sum then *l. 500 Sterl.* may not be sufficient to answer the end designed: Neither can the Board see the Propriety of inserting themselves into the Answer of the House to his Excellencies Speech at the Dissolution of the last Assembly, nor into the Question of the Houses Sole Right of Chusing their *Speaker*.

Ordered, That the above Message be sent down to the Honourable House of Representatives.

In the House of Representatives.

WHereas many persons in the Town of *Boston*, are now Visited with the Small Pox, and several Died of that Distemper; and if that Contagion should continue and spread, it would probably occasion the death of sundry persons, and the frequent Ringing of Bells at Funerals being found very inconvenient, and prejudicial. Therefore

Resolved, That no Bells shall be Tolled for the Burial of persons that may Die of that or any other Distemper, but what the Select-men of the Town of *Boston* shall Order and Direct; and that the time of the Funerals going shall likewise be under the Order and Regulation of the said Select-men. And that if any persons employed in Tolling the several Bells of the Town of *Boston*, shall not observe the Order and Direction of the Select-men in this Affair; they shall for every such Offence forfeit and pay the Sum of *Forty Shillings*, to be Recovered by Bill, Plaint or Information in any of His Majesties Courts of Record within the County of *Suffolk*; the one half of the said Fine to be applied to and for the use of the Poor of the Town of *Boston*, the other half to him or them that shall inform or sue for the same.

And further, That the Captains and Officers of the Military Companies and Troops within the Town of *Boston*, do not Call forth their Respective Companies to do Military Duty in this time of Sickness.

Sent up for Concurrence.

Ordered, That Mr. *White* Go up to the Board and Enquire, what they have done on the Vote of this House sent up respecting the *l. 50000* for the several Towns; Who Returned that it was Concurred.

Ordered, That Mr. *Wilson* Go up to the Board and desire the Accompt of Mr. *Langdon* and Mr. *Treasurer* for Charges on the Expedition to *Arowsick* may be sent down.

Whereas this House has Resolved, that it is necessary for them to assign their grounds and reasons for claiming the sole right of Chusing their *Speaker*, exclusive of the Governours Negative, and that it no ways infringes on, or tends to lessen the Royal Prorogative: And that it be made to appear, that the Removal of the General Court from one Town to another, cannot be but by an Act of the Government, the Law having long since fixed the place of their Sitting; and that some meet person be Chosen by this House, and sent to the Court at Home, to uphold and maintain our Priviledges respecting the particulars abovesaid, who shall also carry with him the Answer to his Excellencies Speech, made by this House, upon his Dissolving the last General Court, and to Enable the person that is to be Chosen as above-said, to maintain and uphold our afore-said Priviledges.

Resolved, That Mr. *Treasurer Allen* be, and hereby is directed to purchase Bills of Exchange to the Value of *l. 500 Sterling*, to be put into the hands of the Gentle-

man that shall be Chosen to Negotiate the Affairs aforesaid, he rendring an Accompt of his Disbursements of said Money on this matter.

Sent up for Concurrence by Mr. *Hutchinson*, Mr. *Perkins*, Mr. *Rice*, Mr. *Johnson* and Mr. *Knowlton*.

Upon Reading the Memorial of *Edward Hutchinson* Esqr. and Mr. *Joseph Wadsworth*, a Committee for Repairing *Castle-Island*; praying that £150 more may be allowed out of the Publick Treasury, to carry on the Work. [40]

Resolved, That the Sum of £150 be allowed and paid out of the Publick Treasury to the said Committee for the aforesaid Work.

Sent up for Concurrence.

A Petition Signed *Daniel Oliver* and *William Welstead*, Executors of the last Will and Testament of *Grove Hirst*, late of *Boston*, Esqr. and Guardians to his Children; praying that they may have liberty to Sell 3 8ths & 1 16 parts of a certain Powder Mill Erected on the Stream at *Neponset*, in *Milton*, for reasons therein given. Which was passed in the Council, *viz.* Read and Ordered, That the prayer of the Petition be granted, and that the Petitioners have leave to bring in a Bill accordingly at the next Sessions of this Court.

Sent down for Concurrence.

J. Willard, Secretary.

Read and Referred to the Consideration of the House next Sessions

Then the House Adjourned till to Morrow Morning Nine a Clock.

Ueneris 8 Die Septembris, 1721. A. M.

AN Act, *To prohibit Trade and Commerce with the Eastern Indians.*

Read a third time. And

Resolved, That the Bill do pass to be Engrossed.

Sent up for Concurrence.

An Accompt Signed *Isaac Bacon* for Hire and Wages of the Sloop *Dove*, Sent on the Expedition to *Arowsick*. Read and Committed.

A Motion being made by some of the Members, that the House might go upon Allowances, And the Question being put, *Whether the House would now go upon Granting Allowances*, It Passed in the Negative?

Voted, That Mr. *Hutchinson*, M. *Troop* and Mr. *Stone*, Go up to the Board, and Inquire, what they have done on the Resolve of this House, Sent up last Night for the Treasurers supplying some meet Person to be Chosen by this House, with Money to Maintain and Defend our Liberties, &c.

Who Returned it was Read at the Board, but nothing done upon it.

Isaac Winslow, Esqr. brought down an Engrossed Bill for Levying of Souldiers, which was passed on in Council, and sent down for Concurrence.

Read and Concurred.

Sent up.

A Message by Mr. *Secretary*, that the House had sent up a Bill without a Title (which was Engrossing) and the Board proposed it to be

An Act, For laying sundry Duties on such Goods as shall be Imported into this Province, from the Province of *New-Hampshire*, and Exported from the said Province of *New-Hampshire* into this Province.

Read and Concurred Sent up. [41]

John Turner Esqr. Brought down the Resolve about Funerals, Passed in Council with Amendments, Read and Concurred. also

A Bill, For the lessening Expences at Funerals. Passed in Council and sent down to be Engrossed.

A Motion was again made by some of the Members, that the House would go upon Allowances, and the Question being put, *Whether the House would go upon Granting Allowances*,

It Passed in the Affirmative.

Resolved, That the Sum of *Five Hundred Pounds*, be Allowed and Paid out of the Publick Treasury to his Excellency *Samuel Shute* Esqr. Capt. General and Governour in Chief of this his Majesties Province, for his Support in managing the Affairs of the Government.

Sent up for Concurrence.

The Question was put, *Whether any thing be Allowed to the Honourable William Dummer* Esqr. Lieutenant-Governour, &c.

It Passed in the Negative.

Resolved, That the Sum of *Four Hundred Pounds*, be Allowed and Paid out of the Publick Treasury, to the Honourable the Judges of the Superiour Court of Judicature in proportion to the Courts they attended the last Year.

The Question was put, *Whether Thirty Pounds should be added to the Salary, of the Reverend Mr. John Leverett, Persident of the Colledge*.

It Passed in the Negative.

An Egrossed Bill, Entituled, An Act, *For the more Easie Levying of Soldires*. Read and Resolved that the Bill do Pass to be Enacted. Sent up

Ordered, Mr. *Spurr*, Mr. *Mills*, and Mr. *Alden*, Go up to the Board and Inquire, what they have done on the Resolve of this House sent up last Night, for the Treasurers Supplying some meet Person to be Chosen by this House, with Money to Maintain and Defend our Liberties, &c.

A Bill, *For preventing Expences at Funerals*,

Read Three times &c.

Resolved, That the Bill do Pass to be Engrossed with Amendment.

Sent up

Resolved, That the Sum of *Two Hundred and Fifty Pounds*, be Allowed and Paid out of the Publick Treasury, to *Jeremiah Allen* Esqr. Treasurer of this Province for his Service the Year Past in the Treasury, and Supplying the Garrisons. Sent up for Concurrence.

Resolved, That the Sum of *Twenty Pounds*, be Allowed and Paid out of the Publick Treasury to *William Payne* Esqr. Clerk of this House, in part for his Service the Year currant. [42]

Resolved, That the Sum of *Twenty Five Pounds*, be Allowed and Paid out of the Publick Treasury to Mr. *John Flagg*, Door-keeper to his Excellency the Governour and this Court, for half a Years Service ending the 26th of *June* last. Sent up for Concurrence.

A Message from the Council by *Penn Townsend*, *Thomas Hutchinson*, *John Cushing* and *Nathaniel Norden* Esqr. as follows.

THE Board are very much concerned at the unhappy difference between his Excellency and the Honourable House, and especially with respect to the Election of a *Speaker*; and have upon all occasions done their duty to prevent it: And although the Board have, and shall always endeavour to do their duty in preserving the Privileges granted by the Royal Charter to this Province, and therefore Concurred with the House in their Vote for the Removing the Court to *Cambridge*; yet they cannot apprehend it reasonable for them to come into a Vote for Raising *l. 500 Sterling*, to be put into the hands of a person unknown, and in the Election of whom they are to have no part, and the rather because the person to be Chosen is not made accountable to this Court; for which reasons the Board cannot Concur with the Resolve of the House in the manner it is framed.

In Council, *September 8. 1721*. Voted as the reasons of the Boards Non-concurrence to the Resolve to which it is annexed.

An Accompt Signed *Joseph Marion*, amounting to *l. 2 6.* for writing Acts, &c. *Read and Resolved*, That the Sum of *Two Pounds Six Shillings* be allowed and paid out of the Publick Treasury to *J. Marion* to discharge the said Accompt.

Sent up for Concurrence.

Resolved, That Mr. Treasuer *Allen*, procure Provision, Ammunition and all other Necessaries for the Forces abroad, and that shall be sent abroad; And for the Forts at the Eastward for the space of two Months: And if the Marching Forces are continued longer, that he take care they be supplied with the things above Enumerated to the first of *April* next: Likewise that he take up a convenient Sloop to attend the Forces.

Edmund Quincey Esq. brought down an Engrossed Bill, Intituled, An Act, For Laying sundry Duties on such Goods as shall be Imported into this Province, from the Province of New-Hampshire, &c.

Read and Resolved, that the Bill do pass to be Enacted.

Sent up.

Jonathan Dows Esqr. brought down a Letter from *Jonathan Prescott* of *Concord*, directed to his Excellency the Governour, to inform him, that the *Indian* Hostages were taken, &c.

Read and sent up.

Mr. Pomry from the Committee Reported, That considering the distance of the *Western Frontiers* from *Amesbury* to *Northfield* is very great, and lyeth very much Exposed to the Insults of the *Eastern Indian* Rebels; and that whereas there is 10 men in the Publick Pay at *Northfield*, as Garrison Souldiers, and there was a Resolve of this Court on the 5th Instant, that 50 men more be employed for Guarding the said *Western Frontiers*, the Committee judge it necessary that there be 40 men more posted in the said Frontiers, for Scouting as aforesaid, to cover the said Settlements, and discover the motion of the *Eastern Indians*, and that the said men be posted [43]

at <i>Amesbury</i> — 5 —	at <i>Groton</i> — 6 —	at <i>Brookfield</i> — 10
<i>Haverill</i> — 11 —	<i>Lancaster</i> — 6 —	<i>Rutland</i> — 10
<i>Dracut</i> — 6 —	<i>Worcester</i> — 4 —	<i>Sunderland</i> — 12
<i>Dunstable</i> — 6 —	<i>Leicester</i> — 4 —	<i>Northfield</i> — 20

And that his Excellency be desired to Order that the men be posted in the places above-mentioned, and that suitable persons take care of the respective Towns, to Order the Inhabitants in the said Frontiers in some defensible manner to prevent surprize.

Read and sent up.

An Engrossed Bill, Intituled, An Act, *To prohibit Trade and Commerce with the Eastern Indians.* Read and

Resolved, That the Bill do pass to be Enacted. Sent up.

An Accompt Signed *J. Willard*, amounting to *l. 36* — 11 for Writing and Engrossing Acts, &c. as *per* said Accompt. Read and

Resolved, That the Sum of *l. 36* — 11 be allowed and paid out of the Publick Treasury, to *Josiah Willard*, Secretary, to discharge said Accompt.

Sent up for Concurrence.

A Petition Signed *Nathaniel Hubbard*, and Twenty other Inhabitants of the Town of *Dorchester*, Praying, That they may be taken off from *Dorchester*, and Added to the Town of *Dedham*, for Reasons therein given. Read and

Resolved, That the Town of *Dorchester*, be Served with a Copy of the said Petition, to shew cause (if any they have) why the Prayer of the Petitioners may not be Granted on the Second Wednesday of the next Sessions.

Sent up for Concurrence.

A Message by *Edmund Quincey* Esqr. and Mr. Secretary, That his Excellency expects that he be desired by the Court to make such a disposition of the Forces, as they shall think to be most for the Service.

Voted, That Mr. *Speaker Cooke* be desired to prepare a Draught to be sent up to the Board for supplying some meet person to be Chosen by this House, to defend their Rights at the Court of *Great Britain*.

Isaac Winslow Esqr. brought the Report of the Committee of both Houses, on the *Dorchester* Affair, as follows, viz.

Province of the *Massachusetts-Bay*, September 7th. 1721.

THe Committee appointed by the General Court of the said Province, by their Order, Dated, *June 22d* last past, to enquire into the Affair of *Dorchester*, relating to their Contentions about their Propriety Lands, having repaired to the said Town, heard the Allegations of the parties concerned, and viewed the Records and Papers relating to that Affair, do find in the Town-Book of *Dorchester*, an Order, Recorded, Dated the 23d Day of *April*, 1638. relating to the disposing and dividing the Lands belonging to the said Town of *Dorchester*, called the New Grant; upon which said Order, the difference and contention betwixt the Inhabitants or Proprietors of the said Town of *Dorchester* hath arisen. But the said Order to be so uncertain and unintelligible, that we apprehend it was very hard and difficult ever for any Division to have been made of the said Lands, exactly agreeable to the aforesaid Order, and that the Inhabitants of the said Town of *Dorchester*, have since the Date of the aforesaid Order at sundry times divided and disposed of the said Lands called the New Grant, but whether agreeable to the [44] aforesaid Order or not, we cannot determine because of the Uncertainty of it as aforesaid.

John Cushing, per Order of the Committee.

In Council, *September 8th*. 1721. Read and Ordered, that the further consideration of this Report be referred to next Sessions, and in the mean time, the former Order of this Court relating to the Affair above-said be revived and stand good, so far as it concerns the staying and continuing the several Actions and Law-Suits depending, and all other Proceedings mentioned in said Order. Sent down for Concurrence.

J. Willard, Secretary.

Whereas *Tuesday* Evening the 5th Instant, the *Indian* Hostages made their Escape off *Castle-William*, and are taken as we hear, and on their Journey to *Boston*; which Escape of theirs have caused great Charge to the Province.

Sent up for Concurrence.

Ordered, that his Excellency be desired to give Orders to the Commanding Officer of the *Castle*; That for the future, effectual care be taken to prevent their Escape, and they kept under a more strict Confinement till further Order from the Government.

Read and Concurred. Sent up.

Then the House Adjourned till to Morrow Morning Nine a Clock.

Sabbati 9 Die Septembris, 1721. A. M.

Ordered,

That Mr. *Heath*, Mr. *Throop* and Mr. *Stone* Go up to the Board and Enquire, Whether all the Acts and Resolves passed by both Houses are accepted by his Excellency, who Returned, that they were all finished.

An Engrossed Bill to lessen the Expence at Funerals. Read and Resolved, that the Bill do pass to be Enacted.

Ordered, That Mr. *Wainwright*, Mr. *Hutchinson* and Mr. *Spurr* Go up to the Board with the Resolve for his Excellencies Allowance.

An Engrossed Bill to prohibit Trade and Commerce with the *Eastern Indians*. Read and Resolved the Bill do pass to be Enacted.

WHEREAS this House have Resolved it necessary for them to assign the grounds and reasons for Claiming and Enjoying the sole Right of their *Speaker*, exclusive of the Governours Negative, and that it no ways infringes upon, or tends to lessen the Royal Prerogative; and that which more immediately calls upon the Representative Body of the people at this time to be more solicitous in maintaining their most invaluable Rights and Priviledges is, because his Excellency the Governour at the Opening this present Sessions, hoped the House would send Over what they had addressed him upon, that His Majesty might judge between him and this House; and that he hath also sent to the House the Instructions of the Right Honourable Board of Trade and Plantations, fortified with the Opinion of His Majesties Attorney General at Home, touching the Constitution of a *Speaker*: His Excellency further declaring it necessary & acceptable to him, That this [45] Case should be stated by this House, and sent Home to some persons learned in the Law to effect this Matter for us; and this House having unanimously agreed that the most likely way to bring this Matter to a happy Issue, would be to send some meet person from hence to Solicit this Business, who was also to carry with him the House's Answer to his Excellencies Speech at the Dissolving the last General Court; and as the Engaging in this Business will unavoidably demand a supply of Money out of the Publick Treasury.

Resolved, That Mr. Treasurer *Allen*, be and hereby is directed to procure Bills of Exchange to the Value of *l. 300 Sterl.* to be put into the Hands of such Gentleman, as shall be Chosen to Negotiate this affair, to be answerable to this House for the Money Committed to him.

Sent up for Concurrence.

It being Represented to this House, that some of the Stores provided for the Commissioners that went to *Arosowsick*, were not by them made use of.

Resolved, That the Representatives of the Town of *Boston* with such as the Honourable Board shall appoint, be a Committee to Inquire what Stores were left and make their Report to this House accordingly.

Sent up for Concurrence.

Thomas Hutchinson Esqr. brought down the Vote of this House, for continuing the *Indian* Hostages at the Castle &c. Which was Concurred at the Board with an Amendment,

Read and Concurred Sent up

A Message by Mr. *Secretary viz.* The Board observing some of the Acts Passed this Sessions, to be Signed by the Speaker *pro Tempore*; Propose, *Whether it be not most agreeable to the Usage of this Court, for the Speaker himself to Sign such Acts, and the rather to prevent any Scruple that may arrise upon the Validity of those Acts,*

In Council, September 9th 1721 Voted, That the above Message be sent down to the Honourable House of Representatives.

Josiah Willard Secetary.

Ordered, That Col. *Spurr*, be added to the Committee for Auditing Accompts, in the room of Mr. *William Clarke*, who is absent.

Voted, That Mr. Speaker *Cooke* and Capt. *Throop*, be desired to prepare an Answer to the Message that was sent down from his Excellency and the Borad, about the Mistakes in the Printed Votes.

Mr. *Speaker* from the Committee Reported, that in Answer to the Message from his Excellency and the Board August 31st past, Respecting several Mistakes in the Printed Votes of this House.

The House are humbly of Opinion; That the sending of Messages to the House, or from the House to the Board, before they be Reduced to Writing, oft-times doth and may occasion Mistakes, and the most likely way to prevent the same for the future, would be to send all Resolves in Writing; But the Order of the House at their Sessions July 8th A. M. Appointing a Committee to draw up a Memorial on his Excellencies [46] delaying to Pass upon the List of Commissioners, was not a Mistake in that House, both the wording of that Order, and the Order it self being well founded on several Messages sent his Excellency by that House, and his Reply thereto; However this House desire all proper care be had that the Votes be truly Printed.

Read, Accepted and Sent up

The Committee for Auditing Accompts,

Reported, That they had Examined the Accompt of *Isaac Bacon*, and find he has overcharged l. 11 18 0 in said Accompt, and their remains due to him l. 43 11 10.

Resolved, That the Sum of l. 43 11 10 be Allowed and Paid out of the Publick Treasury, to Mr. *Isaac Bacon* in full of said Accompt.

Sent up for Concurrence.

A Message by Mr. *Secretary*, That his Excellency and the Board are willing to sit longer then usual, if the affairs of the Court may be finished this Morning.

An Account Signed *Samuel Mears*, amounting to l. 40 17 0 for Provisions, Expencc on Committees, the use of the House and for making good the Partition that was pulled down, Read and

Resolved, That the Sum of l. 40 17 0 be Allowed and Paid out of the Publick Treasury to Mr. *Samuel Mears*, in full discharge of the said Accompt.

Sent up for Concurrence.

An Account Signed *Thomas Cabbott*, amounting to *l. 7 16 0* for Three Men to Guard the Doors Thirteen Days at *4s. per Day*, Read and

Resolved, That the sum of *l. 7 16 0* be Allowed and Paid out of the Publick Treasury to Mr. *Thomas Cabbott*, &c. in full of said Accompt.

Sent up for Concurrence.

Ordered, That Mr *Wainwright* and Mr. *Bryant*, Go up to the Board and Inquire, *Whether the Vote of this House, for the Treasurers Supplying the Gentleman, that is to be Chosen &c. with l. 300 Sterling.* Be Concurred.

Who Returnd they had it now under their Consideration.

A Message by *Samuel Sewall Esqr.* With the Vote of the *Salisbury* Affair.

Passed by a Committee of both Houses. Non-concurred in the Council, and a new Proposal, *viz.* In Council, *September 9. 1721.*

Resolved, That the several Families in Controversie between the Town of *Salisbury* in this Province, and *Hampton* in the Province of *New-Hampshire*, that have been Rated to and by both Provinces, to the great damage of the said Families, be for the present excused from all Province Taxes, and if Rated their Taxes not to be Levied, until after the Boundary of the two Provinces is finally settled, & then to be Collected and paid to the Towns they shall belong to; provided the Government of *New-Hampshire* conform thereunto, and that his Excellency the Governour be desired to acquaint them therewith, that so they may act agreeably.

Sent down for Concurrence.

Read and Non-curred *Nemine Contradicente*, and thereupon *Voted*, That this House having considered the Report of the Committee of both Houses on the *Salisbury* Affair, sent down with a Resolve of the Honourable Board on that Af-[47]fair, are humbly of Opinion, That the Report of both Houses is founded on Justice and Equity, and therefore pray the Honourable Board would have a reconsideration thereof that those people may at length find some relief.

Sent up for Concurrence.

A Message by *Spencer Phipps Esqr.* with the Vote of this House for Securing the *Western* Frontiers, sent down with amendment.

In Council, *September 9. 1721.* Read and Concurred, saving only that the Raising and Disposition of the men be referred to the time that the 150 men be Raised for the *Eastern* Service.

Sent down for Concurrence.

Read and Concurred. Sent up.

Then the Question being put, Whether the House would sit and finish the Business of this Sessions before they Adjourn. And

It passed in the Negative.

A Message by *Edmund Quincey Esqr.* with the Vote on the *Salisbury* Affair just sent up for Reconsideration, and the Vote of Council thereon, *viz.*

In Council, *September 9. 1721.*

Read, and the Question being put, Whether the Board will *Reconsider the Report of the Committee of both Houses.*

It passed Unanimously in the Negative.

J. Willard, Secretary.

Then the Question being put, Whether the House would meet in the Afternoon. It passed in the Affirmative.

Post Meridiem.

A Message by *Spencer Phipps* Esqr. with Mr. Secretary as follows.

In Council, *September 9. 1721.*

Ordered, That a Message be sent down to the Honourable House of Representatives, That the Board cannot think themselves well treated by the House, when they had by a Message of the 31st of *August*, observed a Mistake in the Printed Journals of the House, in an Order of theirs, *July 8. A. M. viz.*

“Ordered, That Mr. *Cooke*, Mr. *Knowlton* and Mr. *Gardner* be a Committee to “draw up a Memorial on his Excellencies delaying to pass upon the List of Commissioners of Excise, till he knows what the House will give him: Since the “words of the Governours Answer to the House was, that he had sent down “ten times, that he had the List under Consideration, and that he might as “well send down to know what they had done about his Sallary, and that the “House knew what they had before them.

The House should now send up an Answer, that there was no Mistake in the wording of that Order, and that the same was well founded, when not only his Excellency and the Council affirm upon their Memory, but it will also appear by the Votes of the House of the 7th and 8th of *July* in the last Sessions; that his Excellencies Answer was not as it is Printed in that Order, and therefore the Board have the utmost reason to insist upon it, that the House take care for the future, That the Votes and Messages from his Excellency and the Board be either fairly and truly stated, or else not Printed not at all.

J. Willard Secretary.

Thomas Fitch Esqr. brought down the Vote of the House for the Treasurers supplying the person that shall be Chosen by the House with *l. 300* Sterliug, &c. Passed on in Council, *viz.* [48]

In Council, *September 9. 1721.* The matter of this Vote being new and of great importance, and there being but just a Quorum of the Board present; *Voted*, That the consideration thereof be referred to the next Sessions.

Sent down for Concurrence.

J. Willard Secretary.

Read and Nonconcurrent, and

Ordered, That Mr. *Clarke*, Mr. *Throop* and Mr. *White* be a Committee to Go

up to the Board and Enquire of Mr. *Secretary*, what number of Members were at the Board when the last Vote was sent down about the Treasurers supplying the person to be sent Home with the *l. 300 Sterling*.

A Message by Mr. *Secretary*, That his Excellency and the Board desire to know, Whether this House will take care of the Present to be sent to the *Maquois*, or whether the Board shall take care of it?

Upon which Mr. *Speaker* said that they had that Matter now under Consideration, and would acquaint his Excellency and the Honourable Board speedily with what they should do thereon.

A Message by Mr. *Secretary*, that his Excellency designs to Prorogue the Court this night, and therefore desires them to dispatch the Business that is before them.

Ordered, That the Committee who made the last Bills of Credit on this Province, be desired and directed to Print off and Finish (as soon as may be) the Sum of *Eight Thousand Pounds*, off the Plates of the highest Denomination, and deliver them to the Province Treasurer, taking his Receipt for the same, the said Committee to be Paid for their Service as for the Bills last made.

Voted, This House is not a little Surprized, at the Message of the Board touching their Observation upon some of the Acts Passed by the Speaker *pro Tempore*, for that the Board should Question the Validity of those Acts, just at the close of the Sessions. If they had made the least scruple of that matter and intimated it to the House, when they first knew the House had made Choice of a Speaker, in the absence of the Honourable *John Clarke Esqr.* And before they had Concurred with the Acts and Votes of the House so Signed, and One of those Acts some Days since Finished and Proclaimed, it had been no hard matter for the House to shew forth, that their Proceedings in that affair was agreeable to the Usage and Practice of this House, & their Right so to do, and the Board has no reason to Question the Validity of any Act, Resolve or Vote of this House on that Head.

A Message by Mr. *Secretary*, That it is his Excellencies Pleasure that this Great and General Court be Prorogued to Wednesday the First of *November* next. And then declared the Court was accordingly Prorogued.

A
JOURNAL

Of the House of
Representatives.

At a Great and General Court or Assembly of this His Majesties Province of the *Massachusetts-Bay*, in *New-England*, Begun and Held at *Boston*, upon Wednesday the 23d Day of *August*, Anno, 1721. And continued by Prorogation to Wednesday the 7th of *November* following.

Martis 7 Die Novembris 1721.

WHEREAS the Great and General Court or Assembly, stood Prorogued to the 1st Instant, and then designed to have Met at *Boston*, being the place mentioned in the Law, prescribing the Form of Writs for calling General Courts. And inasmuch as the Small-Pox is in all parts of the Town of *Boston*, and the greatest part of the Members of the Court not having had that Distemper, forbids the Sessions being held there, for which Reason his Excellency hath inclined that the Sessions of the General Court should be Held at *Cambridge*, in the County of *Middlesex*. And whereas the Publick Affairs of the Province demand a speedy Sessions, the Members of the General Court being Met at *Cambridge* aforesaid, and acquiescing with the Reasons aforesaid.

Resolved, That the Great and General Court or Assembly shall, and may now be Held at *Cambridge* aforesaid, for the reasons aforesaid: And no exception or advantage shall be taken hereby, respecting the Removal of the General Court from place to place.

Sent up for Concurrence by Mr. *Wainwright*, Mr. *Pomery*, Mr. *Bowman* and Mr. *Menzies*.

A Message by *Thomas Fitch* Esqr. That the Board have concurred with the Resolve of the House with an amendment.

Read and Concurred. Sent up. [2]

A Message by Mr. *Secretary*, That his Excellency directs this Honourable House forthwith to attend him in the Council Chamber.

Mr. *Speaker* and the House went up accordingly, and his Excellency made a SPEECH to the House, of which the *Speaker* obtained a Copy, and with it Returned to the House.

His EXCELENCY's SPEECH is as follows.

Gentlemen,

Since it hath pleased God in his wise Providence to suffer the *Small-pox* to spread very much in this Province; and being also informed, that many Members of the Council, and the House of Representatives have never had the Distemper, I shall therefore only Recommend to you at this Sessions, the quick Dispatch of those Affairs, which will be absolutely necessary for the present Welfare of the Government.

SAMUEL SHUTE.

Resolved, That all the private Affairs which were Referred to this Sessions, and such as shall be further brought before the House, be Referred to the next Sessions.

Sent up for Concurrence.

Ordered, That *Francis Fullum* and *John Wainwright* Esqrs. Go up to his Excellency, and desire him to lay before the House the Affairs that are most necessary for the present Welfare of the Government.

Ordered, That Mr. Treasurer *Allen* be directed to attend the House to morrow, and to lay before them the present state of the Treasury.

Voted, That *Elisha Cooke* Esqr. be appointed to supply the place of *John Clarke* Esqr. Speaker, in his absence.

Ordered, That Mr. *William Clarke* and *Josiah Cotton* Esqr. wait on his Excellency the Governour and Inquire, *Whether he hath any thing to send down to the House this Evening?* Who Returned there was nothing to send down.

Then the House Adjourned till to Morrow Morning Ten a Clock.

Mercurii 8 Die Novembris. 1721. A. M.

A Petition Signed by *Moses Smith* of *Needham*, praying, that he may have liberty to purchase 40 Acres of Land from the *Indians* of *Natick* for reasons therein given. Read and continued till the next Sessions.

A Petition Signed by the Select-men of *Roxbury*, praying to be eased from the County Tax, &c. Read and continued to the next Sessions. [3]

Mr. *William Clarke* proposed to the House, That some amendment might be made to the Act passed the last Sessions, explaining the Duty of *Ten per Cent* laid on Goods Exported from the Province of *New-Hampshire*.

Ordered, That Mr. *Clarke*, Mr. *Wainwright*, Mr. *Fullum* and Mr. *Pomery* be a Committee to prepare an amendment to the said Act.

A Message by Mr. *Secretary*, in the words following.

Mr. *Speaker*, Some of the Publick and most important Affairs which his Excellency Recommends to the Court at this Sessions are,

The Supply of the Treasury.

What may be thought proper to be done with Monsieur *Casteene*, and the *Indian* Hostages, especially at this time the Small-pox being at the Castle.

What number of Forces may be judged necessary to be continued in the Service of the Province this Winter, and what Provisions made for them. And if his Excellency thinks of any thing further, he will seasonably communicate it.

Voted, That Mr. *Clarke*, Mr. *Heath* and Mr. *Fullum* be a Committee to wait upon his Excellency the Governour, and desire him to direct the *Secretary* forthwith to lay before this House, all the Orders and Votes of the Board, respecting the *Eastern Indians*, and securing the Frontiers, that have been passed in the Recess of this Court.

Mr. Treasurer *Allen* was admitted into the House, laid the State of the Treasury before them, and withdrew.

Ordered, That Mr. *Clarke*, Mr. *Wainwright*, Mr. *Hutchinson*, Mr. *Fullum* and Mr. *Pomery* be a Committee to Audit the said Accompts, and make their Report thereon to the House.

A Message by Mr. *Secretary*, viz. In Council *Novemb. 8. 1721.*

Voted, That Mr. *Dummer's* Letter to the *Secretary*, Dated *September 1st. 1721.* be sent down, it appearing to this Board to be a Publick Letter, and to contain Matters of Importance to the Province. Which was Read.

An Accompt of *John Brown*, amounting to 18 s. 9 d. for Subsistance to the *Indian* Hostages when they were brought up to *Cambridge*. Read.

Resolved, That the Sum of 18 s. 9 d. be allowed and paid out of the Publick Treasury to Mr. *John Brown*, to discharge said Accompt.

Sent up for Concurrence.

Mr. *Secretary* brought down the Examination of Monsieur *Casteene*, and the Vote of the Board relating to the *Indians*. Which were Read.

A Memorial of *Samuel Penhallow* Esqr. Treasurer of the Province of *New-Hampshire*, praying that he may have liberty to Transport some Provisions and Cloathing to their Souldiers in the *Eastern* Frontiers, without paying Duty for them. Which was sent from the Board Recommended, and Mr. *Penhallow* desired to be admitted into the House to Enforce the same. Which was allowed of, and he accordingly came in, and after some talk thereon, withdrew. And the Question being then put, Whether the Prayer of the Memorial be granted

It Passed in the Negative.

A Message by *John Turner* Esqr. viz. The Board being acquainted that the Small-pox is at the Castle, and likely to spread, and the *Indian* Hostages there being in danger of the Infection. *Voted*, That the said Hostages be forthwith Removed to the Prison in *Cambridge*, and there to be secured until further Order of the Government; and in the mean time be well treated and provided for, by the Sheriff of the County, who is likewise directed to procure a sufficient Guard for their safety.

Journal of the House of Representatives 139

And that his Excellency be desired to give Order to the Commanding Officer at Castle *William* to send up the said Hostages accordingly.

Sent down for Concurrence.

J. Willard, Secretary.

Read and Concurred.

Sent up.

Post Meridiem.

Voted, That Mr. *Came* Go up to the Board and acquaint his Excellency, that the House is desirous to have the perusal of those Letters that were sent from *Arowsick*, which referred to the Insults of the *Indians* there, more especially those that relate to Monsieur *Casteene's* Actions.

A Message by Mr. *Secretary*, viz. In Council *November. 8. 1721.*

Whereas the Small-pox is now at the Castle, and likely to spread there, and Monsieur *Casteene* is in danger and in fear of taking the Infection.

Voted, That the said *Casteene* be forthwith Removed to *Cambridge*, where he will be ready to be Examined by this Court about the Matters that are alleadged against him; and that his Excellency be desired to Order the Commanding Officer at Castle *William* to send him up accordingly.

Sent down for Concurrence.

J. Willard.

In the House of Representatives, *November 8. 1721.*

Read and Concurred with Amendments, viz. And delivered to the Sheriff of the County of *Middlesex*, to be by him secured, till further Order of this Court, and Examined if they see cause.

Mr. *Clarke* from the Committee Reported, That whereas in and by an Act, Intituled, An Act, *For Laying sundry Duties on such Goods as shall be Imported from the Province of New-Hampshire, &c.* Made and passed at the last Sessions of this Court, in the latter part of the first Enacting Paragraph, in which are the words following, viz. *For all sorts of Goods, Wares and Merchandize whatsoever*, Ten per Cent. ad Valorem.

Resolved, That neither Boards, Staves or any other Lumber shall be construed to be comprehended in these words, *Goods, Wares and Merchandize*; nor shall they be subjected to the said Impost or Duty of *Ten per Cent. ad Valorem.*

And that if any person hath paid Impost for any Boards, Staves or Lumber by virtue of the aforesaid Act, the Impost Officer is hereby directed to Re-imburs't him so much Money as he hath Received on such Account.

Read, Accepted, and sent up for Concurrence.

Resolved, That the *Eastern Affairs* be debated on to Morrow Morning.

Then the House Adjourned till to Morrow Morning Ten a Clock. [5]

Tobis 9 Die Novembris 1721 A. M.

A Petition Signed by *Stephen Minott, Thomas Fitch and Estes Hatch*, Praying, that the Inhabitants of *Rutland*, may be established a Township, for Reasons therein given.

Read and Referred to the consideration of the next Sessions.

A Petition Signed *Adam Winthrop, Stephen Minott &c.* Praying, that the *Eastern-Frontiers*, may be effectually secured &c. Read.

A Petition Signed *Samuel Abraham, &c. Indians.* Praying, that they may enjoy their Land at *Hasanamisco*, for Reasons therein given.

Read and Referred to the Consideration of the next Sessions.

Voted, That Mr. *Wainwright*, Mr. *Pomery* & Mr. *Fullum*, be a Committee to wait on his Excellency the Governour and the Honourable Board, and Inquire the Reasons why the Forces Posted *Eastward*, have not made a March, Pursuant to the Resolve of this Court at their last Sessions: and if they have any Reason why they should not pursue that affair, they would be pleased to communicate it to the House.

Resolved, That the Treasurer be & hereby is directed to Issue forth the Sum of in Bills of Credit.

That the Committee appointed to make the Sum of be Ordered to perfect and deliver them to him, for Payment of the Publick Debts of this Province already contracted, and for Payment of Grants, Sallaries and Allowances made and to be made by this Court, and for Payment of all unforeseen charges necessarily arising in the Recess of this Court for the defence and Support of the Government, the Protection and Preservation of the Inhabitants of this Province, whether occasioned by Pyrates, or any other Invasion by Sea or Land, or by any other ways and means, that demand prompt Payment; and for Payment of Expresses dispatched in the Service of this Government, and for Supplying and Supporting the Charge of the Castle, Forts and Garrisons and Wages arising for their Service (Provided the Muster-Rolls or any Accompts of Charge or Expence on the Castle, Forts and Garrisons, shall not be Paid until such Muster-Roll or Accompt of Charge or Expence, hath been Examined and Allowed of by this Court) and for no other Ends and Uses whatsoever, according to such Draughts as from time to time, shall be made upon him, by Order of the Governour or Commander in Chief for the time being, by and with the Advice and Consent of the Council. And the said Bills shall Pass out of the Treasury at the Value expressed in them equivalent to Money, and shall be so Taken and Accepted in all Publick Payments. And that the Duties of Impost and Excise, shall be a Fund and Security for the Repayment and Drawing the said Bills into the Treasury again, so far as that will reach: And as a further Fund & Security for the same; It is further Resolved, That there be and is hereby Granted unto His most Excellent Majesty, to the Ends

and Uses aforesaid, a Tax of to be Levied upon Polls and Estates both Real and Personal within this [6] Province, according to such Rules and in such Proportion upon the several Towns and Districts within the same, as shall be Agreed on and Ordered by the Great and General Assembly of this Province, at their Sessions in *May* 1732 and Paid into the Treasury, on or before the last Day of *December* next after.

And that the Sum of be Levied upon Polls and Estates both Real and Personal within this Province, according to such Rules and in such Proportion upon the several Towns and Districts within the same, as shall be Agreed on and Ordered by the Great and General Assembly of this Province, at their Sessions in *May* 1733 and Paid into the Treasury on or before the last day of *December* next after.

And whereas thro' the scarcity of Bills of Credit, it grows difficult for Persons to convert the produce of their Lands &c. into Bills and Pay their Rates in them, it is further *Ordered*, That the Inhabitants of this Province shall have liberty (if they see fit) to Pay the several Sums that shall be on them respectively Assessed, in the several Species hereafter mentioned, at such moderate Rates and Prices, as the Great and General Assembly shall set them. *Viz.* in good Barrel Beef and Pork, Wheat, Barley, Rye, Indian-corn, Oats, Flax, Hemp, Bees-wax, Pease, Butter in Firkins, Cheese, Hides, Tann'd-leather, Dry Fish, Mackril in Barrels, Oyl, Whale-bone, Bayberry-wax, Tallow, Pitch, Tarr and Turpentine. Which Species shall be received by the Treasurer of the several Constables or Collectors, and by him disposed of to the best advantage for the calling in of said Bills into the Treasury, and if any loss by the Sale of the aforesaid Species, or any other unforeseen accident shall arise, then such deficiencies shall be made good by a Tax of the Year next following, so as fully and effectually to call in the whole Sum of Bills emitted as aforesaid.

Sent up for Concurrence.

Ordered, That the Representatives of the Towns of *Boston*, *Charlstown* and *Roxbury*, with such as the Honourable Board shall nominate, be a Committee in the Recess of the Court, to Receive from the Treasurer all defaced Bills and unfit for use, take an Account of the Number of said Bills, and the Sum they amount to, give the Treasurer a Receipt for them, burn the said Bills to Ashes, and make Report of their doings to this Court.

Sent up for Concurrence.

Post Meridiem.

A Message by Mr. *Secretary*, viz. In Council, *November* 9. 1721. In Answer to a Message from the Honourable House of Representatives, to enquire the reason why the Governour and Council did not Order a March to *Norridgawock*, pursuant to a Resolve of the General Assembly.

Ordered, That a Message be sent to the House, that the time for making that March being left to his Excellency and the Board, it was their Opinion, that the Fall Season was not so suitable to prosecute that Design; however the Escape of the Hostages did afterwards induce the Board to think it necessary, that the Forces should immediately proceed to *Norridgewock*, and they advised accordingly. Bnt that upon the Recovery of the Hostages, the reason of their advice ceasing, the Board Reconsidered it, and advised, That his Excellency do suspend his Order for that March to *Norridgewock* for the present.

J. Willard, Secretary. [7]

Ordered, That a Message be sent to his Excellency and the Honourable Board, to Enquire if they have any grounds or reasons inducing them to drop the Matter relating to the pursuing of the *Eastern Indians*, pursuant to a Resolve of this Court at their last Sessions, they would make the same known to the House, as was desired by a Message sent up in the Forenoon.

A Message by Mr. *Secretary*. In Council, *November 9. 1721.*

Ordered, That a Message be sent to the Honourable House, advising, That the Board having for reasons already assigned, deferred the March to *Norridgewock* till the present Sessions of this Court, are of Opinion, That the whole Court should now have consideration of the Methods proper to be taken with respect to the *Eastern Indians*, and accordingly propose that the Honourable House would consider it at this time.

J. Willard, Secretary.

Mr. *William Clarke* from the Committee to Audit Mr. *Treasurers* Accompts. Reported, *viz.*

The Committee have Examined the within Accompt and find them right Cast, and duly Vouched, excepting two Articles, which we leave to the consideration of the House, *viz.*

John Giles's Article for Repairing the Fort at *Brunswick*. And

James Gouch's Accompt for Service in assisting the Treasurer in providing and Shipping Provisions for the Forces.

The House having had a special Consideration of the aforesaid two Articles and then Resolved, That the Sum of *l. 1657 1 5* be allowed and paid out of the Publick Treasury to *Jeremiah Allen Esqr.* Treasurer; to discharge said Accompt.

Sent up for Concurrence.

A Petition Signed *George Gray*, praying, That he may be allowed for the loss of his Gun at *Falmouth*, in the Service of the Province, *Anno 1720*. Read and Resolved, That the Sum of *Two Pounds* be allowed and paid out of the Publick Treasury to the Petitioner, in consideration of his loss.

Sent up for Concurrence.

The Goal in *Cambridge* being Represented by the Sheriff as insufficient to secure the *Indian* Hostages. Resolved, That they be sent to the Sheriff of the County of

Plimouth, to be by him secured in the Common Goal, and that the Sheriff be directed to take effectual care that they be secured.

Sent up for Concurrence.

Then the House Adjourned till to Morrow Morning Ten a Clock.

Veneris 10 Die Novembris. 1721. A. M.

Voted, **T**hat his Excellency be desired to give Order for drawing off the nine men Employed as Scouts between the Towns of *Brookfield*, *Leicester*, *Worcester* and *Rutland*; this House being of Opinion, that they are no Security to those Frontiers. Sent up for Concurrence.

Voted, That Mr. *Wainwright*, Mr. *Stacey*, and Mr. *Johnson* go up to the Honourable Board, and Inquire of them the Vote or Order of this House that left it to his Excellency and the Board, when the Forces were to make their March to *Norridgewock* as is intimated in their Message sent down last night. [8]

According to the Order of the Day, the House proceeded to consider the State of the Forces at the *Eastward*, whether they should March to *Norridgewock*, according to the Resolve of the Court at their last Sessions, &c. And after a long debate, a previous Question was put,

Whether this Government hath still sufficient reason to prosecute the *Eastern Indians* for their many breaches of Covenants and Treaties, more especially for their open Rebellion lately Committed at *Arowsick*, and to demand satisfaction for the Injuries done to His Majesties Subjects in those Parts, and security for their peaceable behaviour for the future, and their due subjection to the Crown of *Great Britain*.

It passed in the Affirmative.

Sent up for Concurrence.

A Message by Mr. *Secretary*, viz. In Council, *November 9. 1721.*

Whereas this Court have Voted the Removal of the *Indian* Hostages to the Prison in *Cambridge*, and there being some hazard that some of them have taken the Infection of the Small-pox.

Ordered, That in case the *Indians*, or any of them be taken ill of the said Distemper, the Sheriff of the County, be impowered and directed, that such *Indian* or *Indians* be Removed to some remote place, that so the Sickness may not thereby be spread in the Town of *Cambridge*. Sent down for Concurrence.

Read and Concurred.

Post Meridiem.

Whereas the Court ordered the Removal of the *Indian* Hostages from Castle *William* (the Small-pox being there) to *Cambridge*, since which it appears that the

Goal in *Cambridge* is insufficient to keep them, without a Guard of men constantly, which will be a considerable Charge. And the Board having signified by a Message, that there is hazard, that some of them have already taken the Infection of the Small-pox (which if so) it is inconvenient for them to remain in *Cambridge* any longer, or to be sent to any remote place, therefore,

Resolved, That the said Hostages be sent back to the Castle which is (circumstances considered) the most suitable place, and where they may be better attended in Sickness. And therefore that the Commanding Officer, be directed to Lodge them in the remotest place of the Garrison, and hinder all Persons from carrying the infection to them, or having any communication with them.

Sent up for Concurrence.

Ordered. That Mr. *Wainwright*, Mr. *Fullum* Mr. *Throop* and Capt. *Pomery*, be a Committee, to prepare some Addition to the Act against *Hawkers, Pedlers &c.* in this time of the Small-pox, that they may not spread it in the Country.

An Account Signed *Nicholas Boone*, Amounting to *l. 21—13—4* for Printing the Votes of this House. Read and

Resolved, That the Sum of *l. 21—13—4* be Allowed & Paid out of the Publick Treasury to Mr. *Nicholas Boone*, to discharge said Accompt.

Sent up for Concurrence.

Then the House Adjourned till to Morrow Morning Nine a Clock. [9]

Sabbati 11 Die Novembris. 1721. A. M.

A Petition Signed *Josiah Willard* Secreatry, *Praying*, for some Allowance for the Service of the last Year, and for a Clerk to assist him in the Office.

Read and

Resolved, That the Sum of *l. 150* be Allowed and Paid out of the Publick Treasury to *Josiah Willard*, Esqr. Secretary, for his extraordinary Service in the Year past. Sent up for Concurrence.

Ordered, That Mr. *Clarke*, Major. *Fullum* and Capt. *Osgood*, go up to the Board and Inquire, What is done on the Vote for Supply of the Treasury, On the *Eastern* Affairs, and On the *Indian* Hostages.

A Bill in Addition to An Act Intituled, *An Act against Hawkens, Pedlers, &c.*

Read a first time.

WHEREAS this House at their last Sessions, Voted a Present of *l. 500* to be made to the *Moquois*, which was Concurred by the Honourable Board, and Consented to by his Excellency: And altho' this House was not then Advised with in any Respect, concerning the Disposal of the aforesaid Present; as they justly expected to have been, nor gave any Order there-for. Yet they think it requisite, that they be now informed, *Whether the aforesaid Present be sent, and of*

the Persons Appointed to Manage that affair, What Instructions they Received, and what they have done thereon? Sent up.

John Burril Esqr. Brought down the Vote of the House for sending the Hostages back to the Castle, Non-concurred. And the Vote of the House for Prosecuting the *Eastern Indians*, with the Vote of the Board thereon, viz. In Council, November 11th 1721.

Ordered, That a Message be sent down to the Honourable House of Representatives to Inquire, *What Prosecution of the Eastern Indians the House intended in their Question sent up last Night?*

Voted, That the Board would be pleased to Pass upon the Vote referred to in this Message, either by Concurring or Non-concurring the same. Sent up.

Mr. Secretary, Brought down the Resolve of this House for Supply of the Treasury, and a Vote of the Council thereon. viz.

In Council November 11th 1721

Read and Concurred with Amendments, viz.

Resolved, *That the Treasurer be directed to Issue forth and Emit the Sum of Pounds, in Bills of Credits, and that the Committee appointed to make the Bills, be Ordered to perfect and deliver the same to him.*

In the Room and Stead of the Words following,

Resolved, That the Committee of this Court at their last Sessions, to make the Sum of l. 8000 in Bills of Publick Credit, be directed to perfect and deliver the said Bills to the Treasurer, taking his Receipt [10] for the same, and the Treasurer be and is hereby Impowered and Directed, to Issue forth and Emit the Sum &c.

And the following clause. *That demand prompt Payment*, be not Inserted in the Vote.

That the words, *And for no other Ends and Uses whatsoever*, be taken out of the Resolve.

And the word *Court* be put between the words *General Assembly*, and before the word *Assembly* the word *or*.

And the times of Paying into the Treasury the aforesaid Sum, be in the Years 1724 and 1725. *Instead of the Years 1732, 1733.*

The amendments were severally Read and the First Concurred with, The Second and Third Non-concurred *Nemine Contradicente*, The Fourth Concurred, The Fifth and Sixth, Non-concurred, by a great Majority.

Sent up for Concurrence.

Then the House Adjourned till Monday Three a Clock Afternoon.

VOTES

Of the House of Representatives.

Tunee 13 Die Novembris. 1721. P. M.

A Bill in Addition to An Act, *Entituled, An Act against Hawkers and Pedlers* &c. Read a 2d and 3d time.

Resolved, That the Bill do Pass to be Engrossed.

Sent up for Concurrence by Mr. *Loring*, Mr. *Bryant* and Mr. *White*.

Penn Townsend and *Paul Dudley* Esqrs. Brought down the Instructions given to the Commissioners, that were sent to the Five Nations of the *Maquoise*, and with the Account of the Present sent to them.

Benjamin Lynde Esqr. Brought down the Resolve for Supply of the Treasury as sent up last Night, with a Message: That the Board did adhere to the two first Amendments, *viz. Of prompt Payment: And, for no other Ends and Uses whatsoever.* And did not adhere to the two amendments of 1724 and 1725.

Resolved, That the House Insist on their former Vote *Nemine Contradicente*. Sent up for Concurrence, by Capt. *Throop*, *William Hutchinson* Esqr. Mr. *Pomery*, *Josiah Cotton*, *John Wainwright*, *Francis Fullum* Esqrs. Mr. *Came*, Mr. *Moodey* and Col. *Spurr*.

Ordered, That Major *Fullum*, Mr. *Shepley* and Mr. *Pomery*, be a Committee to joyn with such as the Honourable Board shall Appoint to Project the most effectual Method for Securing the *Indian* Hostages, and Report the same to the House.

Sent up for Concurrence.

Ordered, That Mr. *Pomery*, Mr. *Shepley*, Mr. *Came*, Mr. *Morril* and Mr. *Newcomb* Go up to the Honourable Board, and desire them to dispatch the Business lying before them, because the Small-pox is now in the Center of the Town of *Cambridge*, which makes the Members of this House very solicitous of Returning to their Homes as soon as may be.

An Accompt Signed *Eleazer Flagg*, amounting to *l. 10 4 6* advanced for Subsisting of 20 Souldiers, on the Expedition to *Arrowsick*, Read and

Resolved, That the Sum of *l. 10—4—6* be Allowed and Paid out of the Publick Treasury to Major *Eleazer Flagg*, to discharge said Accompt.

Sent up for Concurrence.

Then the House Adjourned till to Morrow Morning Ten a Clock. [12]

Martis 14 Die Novembris. 1721. A. M.

Whereas by reason of the Small-pox so generally prevailing in the Town of *Boston*, many persons are reduced to very great straits, and necessitous circumstances, who otherwise would have been in a capacity to have subsisted their Families in comfortable circumstances.

Resolved, That the Sum of *l. 1000* be allowed and paid out of the Publick Treasury, to the Select-men, and the Overseers of the Poor in the Town of *Boston*, to be distributed among such persons, as they shall account to stand in need of Relief for the Reasons aforesaid.

Sent up for Concurrence.

Jonathan Dowse Esqr. brought down the Report of the Committee of both Houses in the words following. Pursuant to the within Order, the Committee find it difficult to form any projection for better securing the *Indian* Hostages, then by continuing them in *Cambridge* Goal, where they now be: And upon view of the said Goal, they are of opinion, that a small Matter of Charge will secure them so as to prevent any Escape. And that the Prison-Keeper be directed to take due care to prevent persons coming to them that may probably endanger their being Infected with the Small-pox, all which is humbly submitted.

Penn Townsend, pro Committee.

In Council, *November 14. 1721.*

Read and Accepted.

Sent down for Concurrence.

J. Willard, Secretary.

Read and Concurred with amendment, viz.

Or facilitate their Escape to be added after the words *Infected with the Small-Pox.*

And that *Col. Edmond Goff* and *William Hutchinson* Esqr. be a Committee to look after securing the Goal, the Charge thereof to be paid, one half by the Province, the other half by the County of *Middlesex.*

Sent up for Concurrence.

John Appleton Esqr. brought down the Resolve for Supply of the Treasury, with the further Vote thereon, viz. In Council, *November 14. 1721.*

Read and

The Board do not insist on the Amendment,

That do not demand prompt payment.

And insist on the Amendment,

And for no other Ends and Uses whatsoever.

Read and Non-Concurred *Nemine Contradicente*, and Resolved, That the House adhere to their former Vote. Sent up for Concurrence.

Spencer Phipps Esqr. brought down the Resolve of this House, for prosecuting the *Eastern Indians*, and the Vote of Council on it, viz. In Council, *November 14. 1721.*

Read and Concurred.

J. Willard, Secretary.

Also the following Vote of Council, *November 14. 1721.* Whereas the Court of General Sessions of the Peace, and Inferiour Court of Common Pleas for the County of *Middlesex*, is appointed by Law to be Held at *Charlestown*, upon the [13] second *Tuesday* of *December* next. And the said Town of *Charlestown* is much Infected with the Small-pox, so that many Members of the said Court, &c. concerned in Attendance, will be in danger of taking the Infection.

Ordered, That the said Courts be Removed to the Town of *Concord*, within the said County of *Middlesex*, and be there Held and Kept at the said Town, on the Second *Tuesday* of *December* next aforesaid. Any Law, Usage or Custome to the Contrary notwithstanding.

Sent down for Concurrence.

J. Willard, Secretary.

Read and Concurred.

Post Meridiem.

Ordered, That Capt. *John Giles* be directed to attend the House immediately, and give an Account of the temper and disposition of the *Indians*, and the properest Methods to be taken with them.

A Message by *Samuel Sewall*, *Penn Townsend* and *Addington Davenport* Esqrs. In Council, *November 14. 1721.* *Ordered*, That a Message be sent down to the Honourable House of Representatives, That the clause in the Resolve for Supply of the Treasury, in the words following (*for no other ends and uses whatsoever*) tending to clogg the Publick Affairs, and to reflect on the conduct of the Board; and being never inserted in such Votes, till the Sessions in *May* last. The Board cannot receed from their amendment for erasing it, and therefore insist on those words being withdrawn.

J. Willard, Secretary.

After a mature debate on the above Message, the Question was put, *Whether those words should be Erased?* And it passed in the Negative.

Sent up for Concurrence.

A Message by *Benjamin Lynde* Esqr. *viz. Voted*, That a Message be sent to the Honourable House, that the Board being willing to Rise to morrow, and having nothing before them, desire the House to Expedite the Affairs of the Sessions: That if it may be, the Court may Rise to Morrow.

Capt. *John Gyles* was admitted into the House, and gave them an account of the State of the *Eastern Indians*, and withdrew.

Voted, That he draw up a Memorial of this Affair, and lay it before the House, for their better Consideration.

Ordered, That Mr. *Speaker Cooke*, Mr. *Wainwright*, Mr. *Knowlton*, Mr. *Hutchinson* and Mr. *Throop* be a Committee to consider what is proper to be done with the Forces at the *Eastward*, and to lay the same before the House for their Consideration.

Benjamin Lynde Esqr. brought down a Bill in Addition to an Act, Intituled, An Act, *Against Hawkers, Pedlers, &c.* Passed on in Council with Amendment. And Sent down for Concurrence.

Read and Concurred. Sent up.

Then the House Adjourned till to Morrow Morning Nine a Clock. [14]

Mercurii 15 Die Novembris 1721 A. M.

IN Answer to the Message of the Honourable Board, Sent down Yesterday, respecting the Resolve for Supply of the Treasury. The House having had a due consideration of the Clause in the Royal Charter, Impowering, the Levying Proportionable and Reasonable Assessments, Rates and Taxes, upon the Persons and Estates in this Province, for the Ends and Uses therein Enumerated, do find that the same shall be according to such Acts as are or shall be in force. We cannot therefore consent, that those Words in the aforesaid Resolve, *And for no other Ends and Uses whatsoever*, be Erased, it being fully Reasonable that those that Grant Money, should have the disposal thereof: Neither can the House apprehend, that the aforesaid Words standing in the Resolve, have or can Clogg the Publick affairs of this Province, or in the least measure Reflect on the Conduct of the Honourable Board, so long as they keep within the true meaning and intent of such Resolve for Supply of the Treasury. And if those Words were never inserted till last *May* Sessions, doubtless the House had sufficient grounds to induce them then to insert them, and have now as much reason as then to abide by those Words, and see no cause why the Honourable Board, should not now Concurr therewith as they then did.

Sent up by *William Hutchinson, Josiah Cotton, Robert Spurr* Esqrs. Capt. *Heath, Francis Fullum, John Wainwright* Esqrs. Col. *Goff*, Capt. *Throop* and Mr. *Stacey*.

An Engrossed Bill, against *Hawkers, Pedlers &c.* Read and

Resolved, That the said Bill do Pass to be Enacted. Sent up,

Then the House proceeded to consider what Number of Forces, should be left for Securing the *Eastern* parts, and not fully determining what Number, it was Referred till Afternoon.

Post Meridiem.

A Message by *William Taylor, Penn Townsend* and *Benjamin Lynde* Esqrs. In Council, *November 15. 1721.* Unanimously *Ordered*, That a Message be sent to the Honourable House, That the Board after mature Consideration of the clause in the Resolve for Supply of the Treasury, in the words following (and for no other end and uses whatsoever) and of the Message thereon received from the

House this Morning, cannot agree to that clause, and therefore hope that the House will withdraw the same, that so the Business of the Court may come to a speedy and happy conclusion.

J. Willard, Secretary.

A Message by *Pnnn Townsend, Addington Davenport & Thomas Hutchinson Esqrs viz.* In Council *Novemb. 15. 1721.* Whereas the Board are well informed, That on *Tuesday* Morning last, some hours before day, a Granado Shell loaded with combustible matter and having a lighted Fuze, was by some unknown Villain thrown into the House of the Reverend Doctor *Cotton Mather* of *Boston* thro' the Glass Window of one of his Chambers, to the great terror and hazzard of the Family, and endangering the Neighbouring Houses. [15]

Resolved, That a Reward not exceeding be granted to such persons as shall discover the Author and Actor of the above-said Wickedness, that so he be brought to Exemplary Justice, and that his Excellency the Governour be desired to Issue out a Proclamation accordingly.

J. Willard, Secretary.

Sent down for Concurrence

Then the House proceeded to consider what number of Forces should be left in the *Eastern Frontiers*, for the Security thereof. And

Voted, That 200 of the 350 men be left there.

That one half of that number be Posted in the most suitable places, and the other half be Travelling alternately by Sea and Land.

That the Commanding Officer of the Marching Forces be directed to seiz and send to *Boston* such particular *Indians*, as they shall have Instructions for from this Court.

That *l.* 200 be given as a Reward to any that shall Apprehend and deliver up to Justice Monsieur *Rallee*, or any other Priest Residing there.

That the Officers in Pay take effectual care, that the Act prohibiting Trade & Commerce with the *Eastern Indians* be duly kept and observed; this Government justly expecting that if any breach of the aforesaid Act come to their knowledge, they forthwith prosecute the same as the Law directs,

Whereas this House is well informed, that on *Tuesday* Morning last, some hours before day, a Granado shell loaded with combustible matter, and a lighted Fuze to it, was by some unknown Villain, thrown into the House of the Reverend Doctor *Cotton Mather* of *Boston*, thro' his Glass Window into one of his Chambers, to the great Terror of the Family, and endangering the Neighbourhood.

Resolved, That a Sum of *l.* 50 be allowed and paid out of the Publick Treasury to such person or persons as shall discover the Author of the above-said Wickedness, so that he be brought to Exemplary Justice, and that his Excellency the Governour be desired to Issue out his Proclamation accordingly.

Sent up for Concurrence.

An Answer to a Message of the Honourable Board this day sent down, wherein they say they cannot agree to that clause in the Resolve for Supply of the Treasury (and for no other ends and uses whatsoever) after due and deliberate consideration had thereon. The Question was put, *Whether the House would consent that those words should be withdrawn.* It passed in the Negative by a very great Majority.

The House being very desirous that the Business of the Court may come to a speedy and happy conclusion, yet we humbly conceive, should we Erase those words out of the Resolve for Supply of the Treasury, our Principals that sent us here, would tell us, That though the Sessions came to a speedy conclusion, yet not to a happy and safe one.

Sent up by Mr. Throop, Mr. Osgood, Mr. Clarke, Mr. Goff, Mr. White, Mr. Wilson, Mr. Rand, Mr. Stacey and Mr. Heath.

Then the House proceeded to consider the absent Members, and of them 14 were excused, and 12 ordered to pay as the Law directs.

Then the House Adjourned till to Morrow Morning Ten a Clock.

VOTES

Of the House of Representatives.

Tobis 16 Die Novembris. 1721. A. M.

November 16th 1721.

In the House of Representatives.

THIS Court having now Resolved that they still have sufficient reason to prosecute the *Eastern Indians*, for their Breach of Solemn Treaties and Covenants, more especially their late Rebellion at *Arrowsick-Island*.

Voted, That effectual care be taken to prevent any Trade and Commerce with those *Indians*, Pursuant to the Act of this Government at their last Session.

That but *Two Hundred* good effective Men, of the *Three Hundred and Fifty* already out in the Service of this Government, on the *Eastern Frontiers*, be still continued in the Service of this Government: The *One Hundred* Men that were first Impressed to be dismissed if they see cause.

The *One half* of the *Two Hundred* Men, be Posted in the most suitable and convenient places, for Securing those *Eastern Plantations*, the other half to be employed in Travelling by Sea and Land, in parties to keep the *Indians* from coming to the Sea-shore, the keeping in Garrison and March, to be performed by the Forces alternately.

That *Oosamoochis*, *Amisanara*, *Abemunges*, *Woowenuged*, *Quereberuite*, *Otabahanet* and *Nathaniel*, the Fomentors and Instigators, of the many Outrages and Injuries, from time to time done upon the People Settled there, together with such other *Indians*, that are deemed the principal movers in the late Rebellions and Insults of the *Indians*, be Seized, Secured and sent to *Boston*, and that his Excellency give Order to the Commanding Officers of the Forces, to Use their utmost Care that those Persons be Seized and Secured as aforesaid.

That it will be of Singular Service to this Province, that Monsieur *Ralle*, a *French Priest* or *Jesuit* Residing there, be Apprehended and Rendred to Justice, for his Instigating & Stirring up those *Indians*, in their most [17] Villanous Outrages and Injuries from time to time offered to His Majesties Leige People Inhabiting those Parts.

That therefore a Reward of *Two Hundred Pounds* be Allowed and Paid out of the Publick Treasury, to such Person or Persons as shall Take and Convey Monsieur *Rallee* to *Boston*, or any other *French-Priest* or *Jesuit*, that may be found in those Parts, it being contrary to a good and wholesome Law of this Province for any such Person to Reside there.

And that it be Recommended to all the Officers in Pay of the Government, to take effectual care that the abovesaid Act, Prohibiting Trade and Com-

merce with the *Eastern Indians*, be duly kept and observed. This Government justly expecting that if a Breach of the aforesaid Act come to their knowledge, that they make Information thereof, that the same may be prosecuted as the Law directs, this House being humbly of Opinion, that if these methods were pursued it will by the (Blessing of God) reduce those *Indians*, to such streights and difficulties, as will necessitate them to come and offer proper Submissions to this Government, and make Satisfaction for their repeated Wrongs and Injuries, which will be a means to Encourage our Settlements in those Parts.

Sent up for Concurrence.

By Mr. *Wainwright*, Mr. *Clarke*, Mr. *White*, and Mr. *Came*.

In Council, *November 16th 1721*. Read and Concurred with Amendments, as taken into a new Draught

Sent down for Concurrence.

Josiah Willard Secretary.

Charles Frost Esqr. Brought down the following Vote of Council viz.

In Council *November 16th 1721*.

WHEREAS the Superiour Court of Judicature, Court of Assize and General Goal delivery for the County of *Suffolk*, by reason of the *Small-Pox* in *Boston*, was Ordered by this Court to be Holden and kept at *Roxbury*, for the said County, on the First *Tuesday* of *November* last, and by reason of the Sitting of the General Court at the same time, was by the Justices of said Superiour Court, Adjourned to the 5th of *December* next, but the *Small-Pox* being and increasing in the Town of *Roxbury*, so that several of the Justices of the said Court, and others concerned in attendance, may be in danger of taking the Infection.

Ordered, That all Actions, Suits & Processes, Appeals, Reviews, Recognizances, Tryals and other Matters and Things, that were to be Heard and Determined at & by the said Court, which was to have sat the First *Tuesday* of this Instant *November*, and Adjourned as aforesaid: Be further continued to the Superiour Court of Judicature, Court of Assize and General Goal delivery, to be Holden at *Boston*, for the said County, the First *Tuesday* of *May* next, or otherwise to be Adjourned in respect of time & [18] place, as the Governour and Council, in the Recess of the General Court shall see most safe & convenient.

[And whereas the Superiour Court of Judicature, Court of Assize, and General Goal delivery, is appointed by Law to be Holden and Kept at *Charlstown*, in the County of *Middlesex*, on the last *Tuesday* of *January*, and the Town of *Charlstown*, is much Infected with the *Small Pox*, whereby some of the Justices of the said Court and others concerned in attendance, may be in danger of taking the Infection there also.

Ordered, That all Actions, Suits, Processes, Appeals, Reviews, Recognizances,

Tryals and other Matters and Things, that by Law are to be Heard and Determined at and by the said Court, be continued to the Superiour Court of Judicature, Court of Assize and General Goal delivery, to be Holden at *Cambridge*, the last *Tuesday* of *July* next, for the said County of *Middlesex*, or be otherwise Adjourned in respect of time and place, as the Governour and Council, in the Recess of the General Court, shall see most safe and convenient.

Sent down for Concurrence.

Read and Concurred. Sent up

Ordered, That the Committee which were appointed by this Court in their Sessions in *May* last, to take care of the Loggs, cut in the County of *York*, be further directed to take care and dispose of said Loggs for the Use of the Province. Sent up for Concurrence.

A Petition Signed *Hugh Pike*, Praying, that some Relief may be Granted to him, for his Lameness got in the Service of the Province.

Read and

Resolved, That the Sum of *Fifteen Pounds* be Allowed and Paid out of the Publick Treasury, to *Hugh Pike*, the Petitioner, for Reasons therein mentioned.

Sent up for Concurrence.

A Petition Signed *Abigail Clarke*, Praying, That some Allowance may be made her, on account of a Wound her Husband Received, in the Service of the Province.

Read and

Resolved, That the Sum of *Fifteen Pounds*, be Allowed and Paid out of the Publick Treasury, to *John Wainwright* Esqr. and Mr. *Nathaniel Knoulton*, for the Use of *Abigail Clarke* the Petitioner, for Reasons therein mentioned.

Sent up for Concurrence.

Ordered, Mr. *Pomery*, Mr. *Heath* and Mr. *Bryant*, Go up to the Board and Inquire, *What they have done on the Resolve of this House, for Supply of the Treasury*.

Mr. *Seceretary*, Informed the House, that there was something Preparing at the Board, to be sent down this Evening, and therefore the Board desired that the House would not Rise presently. [19]

Two Accompts Signed *Benjamin Eliot*, for Supply of the Secretary's Office.

One Amounting to l. 16 19 2

The other to l. 15 10 5

Also Two Accompts Signed *Edward Winslow* Sheriff.

One Amounting to l. 26 for Repairing the Province House.

The other to l. 43 13 for sending Laws, Tax-Bills &c.

Read, and *Ordered*, That *Josiah Cotton*, *John Wainwright* Esqrs. and Mr. *Clarke*, be a Committee, to Audit the said Accompts, and make Report thereon.

An Accompt Signed *Edmund Angier*, Amounting to l. 4 for subsisting 20 Men Four days, on the Expiditon to *Arrowsick*. Read and

Resolved, That the Sum of *l. 4* be allowed and paid out of the Publick Treasury to Mr. *Edmond Angier*, to discharge said Accompt.

Sent up for Concurrence.

Ordered, That Mr. *Fullum* and Mr. *Pomery* be a Committee to consider the complaints that have at several times been made by some of the Members of the House against Capt. *John Gray*, Commander of Fort *William*

A Message by *Samuel Sewall*, *Penn Townsend*, *John Appleton*, *Benjamin Lynde*, *Addington Davenport* and *Edmond Quincey Esqrs.* with Mr. *Secretary*.

THe Council taking into Consideration a Message of the Honourable House of the 15th Instant, in answer to one of the Board of the same date referring to the Vote for Supply of the Treasury, are very much concerned at the unhappy difference arisen upon that Affair; It being of the greatest consequence to the Government, That the Treasury should be supplied at this time.

The Board cannot but observe something new and extraordinary, even upon the Tenour of the Message, and especially the condition of it in the following words, *viz.* ["But we humbly conceive should we Erase those words out of the "Vote for Supply, our Principals that sent us here would tell us, that tho' the "Sessions came to a speedy conclusion, yet not to a happy and safe one.]

The Board supposing that the Representatives have no Instructions from their respective Towns referring to this matter, and it seems strange to insinuate and improve their Opinion before it be known.

On the other hand, the Board may as well think that the Freeholders of the Province are of Opinion, that the Members of His Majesties Council may very well and safely be trusted with giving their Advice and Consent to the Governour, for drawing Money out of the Treasury for the Publick Service, in the same manner as has been practised for so many years together; and the rather because the Council are Chosen Annually by the General Court or Assembly of the Province.

Upon the main Matter, considering the Power Vested by the Royal Charter, in the Governour and Council, as to drawing Money out of the Treasury, the constant Usage, except an instance the last Summer, the Interest that the Members of His Majesties Council have as well as the Representatives in Granting Money, in the Honour, Service and Support of the Government. The Board cannot Consent to the Clause aforesaid, but do declare against it; not only as unnecessary, but dishonourable to His Majesties Council, and contrary to the Ancient and Laudable practice of the Government.

And therefore if any ill consequence to the Government should insue from the Honourable House refusing to Supply the Treasury, unless the said clause be in-[20]serted in the Vote: The Council must, and do clear themselves from the Blame of it. In Council, *November 16. 1721.*

The foregoing Message Unanimously Voted.

J. Willard, Secretary.

Post Meridiem.

The House debated on the Message of the Council sent down this Morning for Erasing those words out of the Resolve, for Supply of the Treasury (and for no other ends and uses whatsoever) and after a full debate upon it.

The Question was put, *Whether these words should be Erased out of the Resolve for the Supply of the Treasury.* And

It passed in the Negative.

Ordered, That Mr. *Speaker Cooke*, Mr. *Knowlton* and Col. *Goff* be a Committee to prepare an Answer to the said Message of Council, and lay the same before the House.

Then the House Adjourned till to Morrow Morning Ten a Clock.

Veneris 17 Die Novembris. 1721. A. M.

A Petition Signed *John Gyles*, praying allowance for secret Intelligence according to a Vote of this House, in *June 1719.* Read.

Mr. *Cooke* from the Committee appointed to prepare an Answer to the message of Council, sent down yesterday Morning, about Erasing the words out of the Resolve for Supply of the Treasury, Reported but not Accepted.

Then upon a Motion of some of the Members, that the House would Re-consider the said Report. The Question was put. And

It passed in the Negative.

A Message by Mr. *Secretary*, That his Excellency desired the House to dispatch the most necessary Affairs before them, because he would put an end to the Sessions in the Afternoon.

In the House of Representatives: *Whereas Monsieur Casteene was Apprehended*, and brought to *Boston*, by Order of this Court at their last Sessions, for his Heading the Indians at *Arowsick*, &c.

Ordered, That Capt. *John Penhallow*, and such others, to the number of five or six men at least, that can give Evidence on behalf of our Sovereign Lord the King concerning that Affair, forthwith come to *Boston*, that Monsieur *Casteen* may be brought to Tryal before the Judges of the Court of Assize.

Sent up for Concurrence.

Josiah Cotton Esqr. from the Committee, Reported,

That having Examined the Sheriffs Account of Repairing the Province House, they are humbly of Opinion, That the Sum of *l. 22 6 10* be allowed [21] and paid out of the Publick Treasury, to *Edward Winslow* Esqr. Sheriff, to discharge the said Accompt, and the several Articles therein.

Read and Accepted.

Sent up for Concurrence.

And also the other Account of *l. 43 13* for sending Tax Bills, Writs, Laws &c. they are of Opinion, that no part of the Account (except the Article of 20 for Prorogations) is founded on any Act or Resolve of the General Court, and until he produces the Establishment for allowance of the said Articles, they ought to lie open.

And as to the two Accounts of Mr. *Benjamin Eliot*.

The Committee having Examined that of *l. 15 10 3* find it just and right cast, and therefore are of the Opinion, that the Sum of *l. 15 10 3* be allowed, and paid out of the Publick Treasury to Mr. *Benjamin Eliot*, to discharge the said Account.

The other Account of *l. 16 9 2* they cannot but be of opinion, that some Articles of charge in said Account do not stand fairly to the Debt of the Province: however they submit it to the house.

Read and Ordered, That the two Accounts be referred to the next Sessions.

An Account Signed *James Clarke*, amounting to *l. 2 4* for attendance on the House. Read and Resolved, That the Sum of *l. 2 4* be allowed and paid out of the Publick Treasury to *James Clarke*, to discharge the said Account.

Sent up for Concurrence.

Ordered, That Mr. *Clarke*, Mr. *Cotton* and Mr. *Stacey* Go up to the Board, and Enquire, Whether all the Acts and Resolves passed by both Houses, are accepted by his Excellency the Governour.

A Message by *Penn Townsend Esqr.* That all the Acts and Resolves of this Court, passed by both Houses, are consented to by the Governour.

Whereas the last Winter very considerable waste and stroy was made on Timber growing on the Lands belonging to this Province, in the County of *York*; and if care be not taken, some persons may commit the like Trespass again. For preventing whereof,

Ordered, That Capt. *Nath. Gerrish* of *Berwick*, in the County of *York* be empowered by this Court, to use his utmost endeavour, That no Trepass be made on Lands belonging to this Province, lying and being at or near *Newichewonock* River, above the Township of *Berwick*: And that he diligently enquire after all such Trespasses, and get all the proof he can make thereof, and send them down to the Secretary. Sent up for Concurrence.

Post Meridiem.

An Account Signed *Samuel Willard*, amounting to *l. 86 8 9* for the Charge of nine Troopers employed on the Frontiers seven weeks.

Read and Resolved, That the Sum of *l. 86 8 9* be allowed and paid out of the Publick Treasury, to discharge said Account.

Sent up for Concurrence. [22]

An Account Signed *Samuel Partridge*, amounting to *l. 88 12 8* for Charges

of the Garrison at *Northfield*, from *August* the 24th past, to the last day of *November*. Read and

Resolved, That the Sum of *l. 88 12 8* be allowed and paid out of the Publick Treasury to *Samuel Partridge Esqr.* to discharge said Accompt.

Sent up for Concurrence.

A Motion being made by some of the Members, That the House would make further Answer to the Message sent from the Board last night concerning the Supply of the Treasury. Upon which the Question was put. And

It passed in the Negative.

Mr. *Secretary* brought down the Resolve of this House, sent up yesterday, for prosecuting the *Eastern Indians*, with a Vote of Council on it, *viz.*

In Council, *November 17. 1721.* Read and Concurred with amendment, as taken into a new Draught.

Sent down for Concurrence.

In the House of Representatives.

THIS Court having now Resolved, that they have still sufficient Reason to Prosecute the *Eastern-Indians* for their late Rebellion at *Arrowsick-Island*.

Voted, That effectual care be taken, to prevent any Trade and Commerce with those *Indians*, Pursuant to an Act of this Government at their last Sessions; And that his Excellency be desired to give strict Charge to the Officers in Pay of this Government, to see that the aforesaid Act be duly kept and observed, each Commission Officer to have a Copy, and the Act to be Read once a Month at the Head of every Company, The Government justly Expecting, that if any breach of the same come to their knowledge, they inform thereof, that it may be prosecuted as the Law directs.

That but *Two Hundred* good and effective Men, of the *Three-Hundred & Fifty* already out in the Service of this Government in the *Eastern Frontiers*, be still continued in the Service till further Order of this Government. The *One Hundred* Men that were first Impressed to be dismist if they see cause.

That his Excellency be desired to give Orders that one half of the *Two Hundred* Men be Posted in the most suitable and convenient Places for the Securing those *Eastern Plantations*, the other half to be employed in Travelling to discover the Country, & the *Indians* carrying Places; The keeping in Garrison and March, to be performed by the Forces alternately.

That *Oosamoochis, Amisanara, Abemingis, Woowenunged, Quereberuit, Otabahnet* and *Nathaniel*, the Fomenters and Instigators of the many Outrages and Injuries from time to time done upon the People there, together with such other *Indians*, that are deemed the principal Movers [23] in the late Rebellion and late Insults of the *Indians* be Seized Secured and sent to *Boston*. And that his

Excellency be desired to give Orders, to the Comanding Officers of the Forces, to use their utmost care that those Persons be Seized and Secured as aforesaid.

That it will be of singular Service to this Province, that Monsieur *Rallee*, a *French Priest* or *Jesuit* Residing there, be Apprehended and Rendered to Justice, for his Instigating and Stirring up those *Indians*, in their most Villanous Outrages from time to time offered to His Majesties Leige People Inhabitants of this Province. That therefore a Reward of *Two Hundred Pounds*, be Allowed and Paid out of the Publick Treasury, to such Person or Persons, whether *English* or *Indians* as shall take and convey Monsieur *Rallee* to *Boston*, or any other *French Priest* or *Jesuit*, that may be found in this Province, it being contrary to a good and wholesome Law of this Province, for any such Person to Reside there.

This House being humbly of Opinion, that if these Methods be pursued it will (by the blessing of God) Reduce those *Indians* to such Streights and Difficulties, as will necessitate them to come and offer proper Submission to this Government, and make Satisfaction for their repeated Wrongs and Injuries, which will be a means to Encourage our Settlements in those Parts.

Sent up for Concurrence, by Mr *Dennet*, Mr. *Came* and Mr. *Stacy*.

Upon a Motion made by some of the Members, Whether some Additional Forces ought not to be placed in the Western parts of the Province.

The Question was put. And

It passed in the Negative.

Then the House considered the Forces placed at *Northfield*, and it appearing to them, that those Men were no Security to the Province.

Voted, That his Excellency the Governour be desired not to continue them any longer in Pay. Sent up for Concurrence.

Edmund Quincey Esqr. Brought down the Vote of this House for prosecuting the Cutting of Timber belonging to this Province, in the County of *York*, &c. with amendment, *viz.* In Council, Read and Concurred so always as that the Office and Authority of His Majesties Surveyor of the Woods be no ways invaded or infringed.

Sent down for Concurrence.

Read and Nonconcurrent, and the House insist on their Vote, because there are no words therein, that tend to infringe the Office of Surveyor of the Woods.

Ordered, That Mr. *Wainwright*, Mr. *Pomery* and Mr. *Perkins* go up to the Board and Enquire, What is done on the Resolve of this House about the *Eastern* Affairs.

Then the Question was put, *Whether the House would proceed to the Granting Allowances?* And it passed in the Affirmative. [24]

Resolved, That the Sum of *l. 500* be allowed and paid out of the Publick Treasury to his Excellency *Samuel Shute* Esqr. Captain General, and Governour in Chief of this His Majesties Province, for his Support in managing the Affairs of the Government. Sent up for Concurrence.

Then the Question was put, *Whether any thing be allowed to the Honourable William Dummer Esqr. Lieut. Governour.* And

It passed in the Negative.

Resolved, That the Sum of *Thirty Pounds* be allowed and paid out of the Publick Treasury to *William Payne, Esqr.* Clerk of this House, for his Service in the year Currant. Sent up for Concurrence.

Resolved, That the Sum of *Twenty five Pounds* be allowed and paid out of the Publick Treasury to Mr. *John Flagg*, Door-keeper to his Excellency the Governour and this Court, for his Service half a year ending the Twenty-sixth day of *December* next. Sent up for Concurrence.

Resolved, That the Sum of *l. 10* be allowed and paid out of the Publick Treasury to Mr. *William Payne, Esqr.* Clerk of this House for his trouble in preparing the Votes for the Press. Sent up for Concurrence.

A Message by Mr. *Secretary*, That his Excellency directed him to Inform the House, That if they had any business which would hinder their finishing this Night, he was willing to Meet them to Morrow.

Charles Frost Esqr. Brought down the Vote of this House, for drawing off the Forces posted at *Northfield*. Passed on in Council, *viz.*

In Council, *November 17. 1721.* Read, and unanimously Non-concurred, the Board thinking it improper, that while the *Eastern* parts are strengthened, the only Garrison in the *Western* Frontier (and that a small one) should be drawn off, they being of Opinion, that that Garrison is of great Service.

J. Willard, Secretary.

Read and Concurred. Sent up.

A Petition Signed *John Flagg*, Praying some allowance for his extraordinary Service in Attending the General Court at *Cambridge*, and at the *George Tavern*.

Read and Resolved, That the Sum of *Five Pounds* be allowed and paid out of the Publick Treasury to *John Flagg*, Door-keeper for the Reasons therein given.

Sent up for Concurrence.

Then the Question was put, Whether any Sum be added to the Allowance of the Reverend Mr. *John Leverett*, President of *Harvard Colledge*, for the year currant, It passed in the Negative.

Ordered, Mr. *William Clarke*, Go up to the Board and Enquire, *What they have done on the Vote of this House, Impowering Mr. Nathaniel Gerrish, to pervert the cutting of Timber in the County of York?* Who Returned that it was Read, but nothing acted on it.

A Message by Mr. *Secretary*. That his Excellency expected Mr. *Speaker* and the House forthwith to attend him in the Council Chamber.

Mr *Speaker* and the House went up accordingly, and his Excellency made the following Speech.

Journal of the House of Representatives 161

GENTLEMEN.

THE *Treasury not being Supplied, occasions me to call you together sooner than I should have otherwise done,*

Then Mr. Secretary Declared, That this Great and General Court is Adjourned to the 20th Day of *December* next, at Ten of the Clock in the Forenoon, to this Place.

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JOURNAL

Of the House of Representatives.

At a Great and General Court or Assembly of His Majesties Province of the *Massachusetts Bay*, in *New-England*, Begun and Held at *Boston*, upon Wednesday the 23d Day of *August*, 1721. And continued by Prorogations to Friday the 2d of *March* following. And then Met at *Cambridge*.

O*rd*ered, That *Daniel Eppes* and *Francis Fullam* Esqrs. be a Committee, to acquaint his Excellency the Governour, That there is a sufficient number of the Members met to make a *Quorum* of the House.

A Message by the Honourable *Samuel Sewall* & *Penn Townsend* Esqrs. *viz.* His Excellency has directed us to acquaint this Honourable House, That if they are of Opinion the Court may Sit in this Town with safety, He desires the House would proceed upon business in the afternoon.

And after some debate upon the Message, the Question was put.

Whether the House thought it best that they might sit better at some other part of this Town. It past in the Negative.

A Message by Mr. *Secretary* to Inquire, Whether the House had determined upon the Message sent down by his Excellency.

Ordered, That the *Door-keeper* forthwith repair to Mr. *Thomsons* at the upper-end of this Town and inquire, Whether he can entertain the Court, and Report to the House his answer in the afternoon.

Post Meridiem.

Mr. *Secretary*, came on a Message from his Excellency, to know if the House had determined on the Message sent down in the Forenoon.

The *Door-keeper* returned and Reported, That Mr. *Thomson* could Entertain the Court at his House, if they see cause to repair thither.

Then the House further considered the Message from his Excellency, and after some Debate upon it. The Question was put. [2]

Whether it would not be more expedient and safe for the Court to remove to Mr. Thomson's at the upper-end of Cambridge, inasmuch as the Body of the Town, is, or very lately hath been infected with the Small-pox, which may indanger some of the Members sitting here. It Passed in the Affirmative.

Sent up by Mr. *Clark*, Major *Fullum* and Mr. *Peirce*.

A Message by Mr. *Secretary*, That his Excellency had directed the Board to Adjourn to Tuesday next, at Ten a Clock in the Forenoon, to meet at the House of Mr. *Thomson*, at the upper-end of this Town.

Then the House Adjourned to Tuesday next at Ten a Clock in the Forenoon, to meet at Mr. *Thomsons*.

Martis 6 Die Martii, 1721.

A Message by Mr. *Secretary*, That his Excellency directs this Honourable House forthwith to attend him in the Council Chamber.

Mr. *Speaker* and the House went up accordingly, and his Excellency made a Speech to them, of which Mr. *Speaker* obtained a Copy and is as follows.

Gentlemen,

Since the last Sessions (according to the desire of the General Assembly) there has been a Detachment sent out of the *Eastern Forces* in Quest of Monsieur *Ralle*, the *French Jesuit*, Residing among the *Noridgawock Indians*; Though he had the good fortune to escape in Person, yet there were such Letters found in his House, which have been since transmitted to me, whereby it plainly appears, that the *French Government* at *Canada* have been very instrumental in stirring up, and animating the *Indians* against His Majesties Liege Subjects, and have promised that they will furnish them with Ammunition in order to drive the *English* from their just Settlements.

I intend by the first Ships to transmit Copies of these Papers to the Court of *Great Britain*, which I hope will tend very much to the future Welfare and Security of this Province, and the *Eastern Settlements*.

Gentlemen,

What I have at present to Recommend to you, is the Supply of the Treasury, which is the principal Design of my Calling you together at this time. [3]

Voted, That *Elisha Cooke*, *John Wainwright* Esqrs. Mr. *Clark*, *Francis Fullum* Esqr. and Mr. *Knoulton*, be a Committee to prepare a Resolve for Supply of the Treasury, and lay the same before this House in the afternoon.

Voted, That after this Day, there be but one sitting of the Court in a Day, to begin at Ten a Clock in the Morning, and continue to Three in the Afternoon.

Sent up for Concurrence by Mr. *Eppes* and Mr. *Heath*.

Voted, That *John Wainwright* Esqr. be directed to Order the Treasurer, that he attend this House, and lay before them the present state of the Treasury.

Mr. *Treasurer*, was admitted into the House, and laid before them the state of the Treasury, The account of torn and defaced Bills which were Burnt, and the Account of the *l. 50000* Loan, his Accounts of Disbursements; and then withdrew.

A Petition Signed *Moses Smith*, on behalf of the *Indians* at *Natick*, which was

Read the last Sessions, and referred to this time, was again Read, and Resolved that the Prayer of the Petition be Granted. Sent up for Concurrence.

A Petition of 160 Inhabitants of the Towns of *Concord* and *Sudbury*, Praying, That a Damm made by Mr. *Osgood*, cross the River of *Sudbury*, may be demolished for Reasons therein given, Read and

Ordered, That the Petitioners Serve the Adverse party with a Copy of their Petition, that he may shew cause (if any he have) why the Prayer of the Petition may not be Granted, on the Second Friday of the next Sessions.

Sent up for Concurrence.

Post Meridiem.

Mr. *Treasurers*, Accounts of the Disbursements were Read and committed to the Committee appointed for Supply of the Treasury.

Mr. *Secretary*, brought down the Letters from the Governour of *Canada*, to Monsieur *Ralle*, the *French-Jesuit*, which were Read.

A Petition Signed *Adam Winthrop*, and Seven others, Praying that the *Indians* at the Eastward may be suppressed, and the Inhabitants there Settled, secured from their Insults for the future. Read and

Ordered, That Mr. *Loring* and Mr. *Stone*, go up to his Excellency and Inquire of him, Whether he has Received any account of further mischief done by the *Indians* on the Eastern Settlements, and what Letters Received thereon, and to favour the House with a sight of them.

A Petition Signed *Stephen Minott*, *Thomas Smith* and *Estes Hatch*, A Committee for the Town of *Rutland*, Praying, that the People settled there may be Established a Township, and have the Priviledge of other Towns. That their Selectmen may be Enabled to Assess *Three-pence per* [4] *Acre per Annum*, for two Years and a half, on all the divided and undivided Lands, within the Six-mile square mentioned in their Petition, for the maintenance of the Ministry, &c.

Read and *Ordered*, That the Prayer of the Petition be Granted.

Sent up for Concurrence.

A Message by the Honourable *William Tailer* Esqr. That his Excellency Received a Letter from Mr. *Penhallow*, which hath nothing particular in it of damage done to the Inhabitants, but that Yesterday the Reverend Mr. *Taylor* and Mr. *Temple*, arrived from the Eastern parts, and they could give a more full account of the damage done by the *Indians*, if the House see cause to send for them.

Ordered, That Mr. *Taylor* and Mr. *Temple*, be desired to attend the House to Morrow, to Inform them of the state of the Eastern Settlements, Respecting the carriage of the *Indians* towards them of late.

A Message by *Thomas Fitch* Esqr. That the Board had concurred with the Vote of this House, to meet but once in a day.

In the House of Representatives, *March 6. 1721.*

Resolved, That the Treasurer be, and hereby is directed to Issue forth the Sum of *l.* 12000 in Bills of Credit (*l.* 8000 whereof was delivered to him by the Committee that made the said Bills, pursuant to a Resolve of the General Court, at their Sessions in *August* last) Together with *l.* 4000 the residue thereof, which is and will come into his hands by Taxes, the Duties of Impost, Excise and Interest of the Loan Mony, for payment of the Publick Debts of this Province already contracted; and for payment of Grants, Salaries, and Allowances made and to be made by this Court; and for payment of all unforeseen Charges necessarily arising in the Recess of this Court, for Defence and Support of this Government, the Protection and Preservation of the Inhabitants of this Province, whether occasioned by Pyrates, or any other Invasion by Sea or Land, or by any other ways or means that demand prompt payment, and for payment of Expresses dispatched in the Service of this Government; and for Supplying & Supporting the Charge of the Castle, Forts & Garrisons, & Wages arising for their Service; (provided the Muster-Rolls, or any account of Charge or Expence on the Castle, Forts and Garrisons shall not be paid, until such Muster Rolls or Account of Charge or Expence hath been Examined and allowed of by this Court) And for no other ends and uses whatsoever. According to such Draughts as from time to time shall be made upon him, by Order of the Governour or Commander in Chief for the time being, by and with the Advice and Consent of His Majesties Council. And the said Bills shall pass out of the Treasury, at the value expressed in them, equivalent to Money, and shall be so taken and accepted in all Publick Payments. And that the Duties of Impost and Excise shall be a Fund and Security for the Repayment, and Drawing in the said Bills into the Treasury again, so far as that will reach. And as a further Fund and Security for the same; *It is further Resolved*, That there be, and is hereby Granted unto His most Excellent Majesty, to the ends and uses aforesaid, and for no other ends and uses whatsoever; A Tax of *l.* 6000 to be Levied upon Polls and Estates, both Real and Personal within this Province, according to such Rules, and in such proportion upon the several Towns and Districts within the same, as shall be agreed on and ordered by the Great and General Court or Assembly of this Province, at their Sessions in *May, 1732.* And paid into the Treasury on or before the last Day of *December* next after.

And that the further Sum of *l.* 6000 be Levied upon Polls and Estates both [5] real and personal within this Province, according to such rules, and in such proportion upon the several Towns and Districts within the same; as shall be agreed on, and Ordered by the Great and General Court or Assembly of this Province; at their Sessions in *May, 1733.* And paid into the Treasury on or before the last Day of *December* next after.

And whereas thro' the scarcity of Bills of Credit, it grows difficult for persons to convert the produce of their Lands, &c. into Bills, and pay their Rates in them.

It is further Ordered, That the Inhabitants of this Province shall have liberty (if they see cause) to pay the several Sums that shall be on them respectively Assessed in the several Species hereafter mentioned, at such moderate rates and prices, as the Great and General Court or Assembly shall set them, *viz.* In good barrel Beef and Pork, Wheat, Barley, Rye, Indian Corn, Oats, Flax, Hemp, Bees-wax, Pease, Butter in Firkins, Cheese, Hides, Tanned Leather, Dry-fish, Mackril in Barrels, Oyl, Whale bone, Bayberry-wax, Tallow, Pitch, Tar & Turpentine. Which Species shall be Recevied by the Treasurer of the several Constables and Collectors, and by him disposed of to the best advantage for the calling in of the said Bills into the Treasury, and if any Loss by the Sale of the aforesaid Species, or any other unforeseen accident shall arise, such deficiencies shall be made good by a Tax of the year next following, so as fully and effectually to call in the whole Sum of Bills Emittted as aforesaid,

Sent up for Concurrence by *John Wainwright Esqr. Mr. Knoulton and Mr. Heath.*

Voted, That *Elisha Cooke, Robert Spurr, John Wainwright, Francis Fullum Esqrs. and Mr. White,* be a Committee for Petitions.

Two Petitions Signed by 60 Inhabitants on the East and West side of *Sudbury River*, Referring to the placing of their Meeting house. Read

And then the House Adjourned till to morrow Morning Ten a Clock.

Mercurii 7 Die Martii. 1721.

THe Petition of *John Wodden of Salem*, Referred to this Court from their last Sessions, Praying that he may have liberty to lay out 500 Acres of Land which was formerly Granted to his Father, on the North side of *Merimack River*, &c. Read.

Resolved, That the Prayer of the Petition be Granted. Provided, the said Land hath not been already taken up (any Law, Usage or Custome to the contrary notwithstanding) and that it do not infringe upon any former Grant.

Sent up for Concurrence, by *Mr. Brown.*

A Memorial Signed *Thomas Sanford, David Lovett and Josiah Thayer &c.* Select-men of *Mendon*, Praying, That the Votes of this Court on *Cromstocks* and *Fosters* Petition, Relating to the Colony Line Run with *Providence &c.* may be Repealed, or that a hearing may be allowed them upon it.

Read and Committed.

A Petition Signed by *David Haynes, John Balcom &c.* Committee for the Town of *Sudbury*, Relating to the settling of their Church, also a Petition Signed by 18 Inhabitants of the said Town, Praying, That a Committee of the House may

be again sent to *Sudbury* for the same, which were both Read and Committed, with the other two Petitions from the other part of the said Town, Read last night.

A Petition Signed *Jonathan Blake, George Sumner, William Sumner* and *Edward Sumner*, of *Dorchester*, who were Indicted by the Grand Jury, for Misdemeanour and Fined 40 s. each, Praying, That they may have a new Tryal allowed them before the Superiour Court, &c. Read.

Resolved, That the Prayer of the Petition be Granted, and the Petitioners allowed to bring in a Bill accordingly. Sent up for Concurrence. [6]

An Accompt Signed *John Wheelwright*, amounting to l. 29—6—9 for Charges disburst on the Forces Eastward.

An Accompt Signed *John Appleton* for subsistance, amounting to l. 6—2—6

An Accompt Signed *John Dennison* for subsistance, amounting to l. 3—15—
Read and Committed.

A Petition Signed *Joseph Ingols* of *Jabacco*, Praying, That he may have Granted to him by this Court, the Redemption of Inheritance which was his Fathers, for Reasons therein given. Read and Dismist.

A Petition Signed by the Select-men of *Roxbury*, Praying, That they may be Eased from their part of the County Tax imposed on them, for Building the House of Correction in the Town of *Boston*, which was Read the last Sessions & continued to this. Read and

The Question being put, Whether the Prayer of the Petition be Granted.

It Passed in the Negative?

A Message by *Benjamin Lynde, Addington Davenport* Esqrs. and Mr. *Secretary*, viz.

In Council *March 7th 1721*. It appearing to the Board by the Records of *New-Hampshire*; That the General Assembly of that Province has suspended their Act, for laying certain Duties of Impost made the last Year Referring to this Province. *Resolved*, That the Execution of an Act made by this Court at their last Sessions in *August*, Intituled, *An Act, For laying sundry Duties on such Goods as shall be Imported into this Province from New-Hampshire, and on such as shall be Exported from this Province thither*; Shall be, and hereby is suspended, until the General Sessions in *May* next, & that the Commissioner of the Impost be directed accordingly.

Sent down for Concurrence,

Josiah Willard Secretary.

Read and Non-concurred *Nemine Contradicente*.

A Message by Mr. *Secretary*, That there was a Hearing appointed this day, on Capt. *Kent's* Petition, and that the Board was ready to attend it.

Ordered, That Mr. *Wainwright* Go up to his Excellency and the Board, to Inform them, that this House would be ready to attend the Hearing of Capt. *Kent*, at two of the Clock in the Afternoon, in this Room (if they see meet)

A Message from the Board with the Resolve for Supply of the Treasury. Which was Read and Concurred in Council, with an Amendment of blotting out (*and for no other ends and uses whatsoever.*)

Ordered, That Mr. *Cooke*, Mr. *Wainwright*, Mr. *Fullum*, Mr. *Clarke*, and Mr. *Austin* be a Committee to Vindicate this Government from the Aspersions cast upon them in the Address lately made by the Province of *New Hampshire* to his Excellency the Governour.

The Reverend Mr. *Taylor*, and Mr. *Temple* were admitted into the House and informed, That there were Letters sent to his Excellency, from Mr. *Penhallow*, which they had perused before they were sent; and that if they might have the perusal of them, they were very ready to explain, or to add to them. That the *Indians* had killed about seven Horses, and some neat Cattle, since the Return of the Forces from *Noridgawock*, and threatened the Inhabitants that in three Moons they must expect worse Treatment from them.

Ordered, That Mr. *Spurr*, Mr. *VWhite*, and Mr. *Eppes* Go up to his Excellency, and desire him to Communicate to the House the Letter he received from *John Penhallow* Esqr. relating to the *Indians*; and what other Advices he received then since the last Sessions.

Then the House Adjourned till to Morrow Morning Ten a Clock.

VOTES

Of the House of Representatives.

Jobis 8 Die Martii, 1721.

A Motion being made by some of the Members, and the Question put, *Whether Colonel Edmund Goff, being now Commander of the Forces Eastward, and Representative of the Town of Cambridge, should sit as a Member of this House,*
It Passed in the Negative, *Nemine Contradicente?*

An Accompt Signed *Samuel Brown*, amounting to *l. 14 1 6* for Charges on some of the Forces sent Eastward, Victualling them, and Sloop Hire.

Read and Committed.

A Muster Roll for *Fort-Mary*, Presented by *John Gray* Captain of said Fort.

Read and Committed.

An Accompt Signed *Edmund Goff*, amounting to *l. 10 9 8* for charges he expended in bringing down the Hostages from *Concord*.

Read, and *Ordered* to lie on the Table, that said *Goff* may procure the Governour and Councils Order directing him in that affair.

The Resolve for supply of the Treasury which was sent down Yesterday Concurred with an amendment, and sent down for Concurrence

Read and Non-concurred, and the House Insist on their former Resolve,

Sent up by Mr. *Wainwright*, Mr. *Clark*, Mr. *Moor* and Mr. *Brown*.

John Otis Esqr. Brought down Capt. *Kents* Petition, and the Resolve of the Council thereon, Viz. *The Board are of Opinion, that the Petitioner hath his Remedy at the Common Law for Tryal of his Title, against Richard Carrier, Jeremiah Stevens and Thomas Lambert, for taking down and carrying away his Fence, therefore Ordered the Petition be dismiss.*

Josiah Willard Secretary.

Sent down for Concurrence Read and Concurred, Sent up.

Voted, That Mr. *Clark*, Major *Fullum* and Mr. *Whitman*, Go up to his Excellency and the Board, to Inquire, Whether *John Penhallow* Esqr. &c. that can give Evidence against *Mnosieur Casteen*, on behalf of our Sovereign Lord the King, have been Ordered to come to *Boston*, according to the Vote of this House on the 17th of *November* past.

A Petition Signed *S. Fitch*, *J. Stevens* and *B. Tompson*, Select-men of the Town of *Billerica*, Praying, That they may be enabled to improve the Land of *Samuel Stevens* (a Distracted man of said Town) for his support & comfort, Read & Dismist, because they have Remedy in the Common Law. [8]

A Petition Signed *Henry Trussel* of *Amsbury*, Praying, He may be Enabled to

bring forward a Writ of Review, at the next Superiour Court in *Essex*, for Tryal of his Title of his Land in *Amsbury*, as *per* his Petition more fully appears.

Read and dismiss.

A Petition Signed *John Fayrweather*, &c. Heirs of *John Pain*, Praying, That as they have laid out 500 Acres of Land, by Mr. *Dwight* Surveyor, between *Deerfield* and *Northfield*, Pursuant to the Order of this Court as *per* the Plat, they would now confirm the same to them.

Read and Referred to *May* Sessions, because the Surveyor was not Sworn to that Service, and that the Petitioners get him Sworn.

A Petition Signed by sundry Soldiers, which were under the Command of Capt. *John Wainwright*, Praying, That the Mony due to Capt. *Wainwright* from the Treasury may be stopt for their Wages, &c.

Read and Referred to the *May* Sessions.

A Message by Mr. *Secretary*, That his Excellency directed him to Acquaint the Honourable House, That the Board having only Read the Vote of the House for the Tryal of Monsiuer *Casteen*, and not Acted thereon, his Excellency thought it not proper to send for Mr. *Penhallow*, &c. to attend such Tryal. And also a Vote of Council *March 8th 1721. viz.*

Considering how plainly it now appears, That the late Insults of the Indians headed by the French Jesuits and Officers, was Projected and Encouraged by the French Governour of Canada, and that Monsieur Casteen, was present with the Indians, and Active therein.

Resolved, *That the said Casteen, be continued under his Confinement until the further Order of this Court,*

Josiah Willard *Secretary.*

Sent down for Concurrence.

Read and Non-concurred *Nemine Cotradicente.*

And the House fully agreeing with the Honourable Board, That Monsiuer *Casteen*, was present and active with the *Indians*, in the late Insults,

Therefore, *Resolved*, That the said Monsiuer *Casteen*, be brought to Tryal at the next Court of Assize and General Goal delivery, to be Held for the County of *Saffolk*, and that *John Penhallow* Esqr. with Three or Four more Persons that were present, and can give Evidence on behalf of our Sovereign Lord the King, concerning Monsiuer *Casteen*, be timely Summoned and Ordered to attend the said Tryal.

Sent up for Concurrence by Mr. *Osgood* and Mr. *Austin.*

A Petition Signed *Benjamin Bennet* and Eight others, Soldiers that were in the Service Eastward, under the Command of Conlonel *Edmund Goff*, Captain *Johnson Harman*, Captain *Barker* and Leuit. *Goddard*, Complaining, That tho' they were Ordered by the General Court, to be Released from the Service, yet they could not obtain it without Paying Mony for it, and were not allowed their

Messales, Provisions, &c. Praying, That some Remedy may be found out to have their Wages duely Paid, and produced their Affidavits of it. [9]

In the House of Representatives.

WHEREAS the several Persons hereafter Named, *John Grove, William Busbe, David Burnum, William Pebody, Benjamin Bennet, Phillip Amy, David Bointon, Benjamin Grant, William White, Andrew Center* and *Nathaniel Chapmam*, lately Impressed into his Majesties Service Eastward, under the Command of Colonel *Edmund Goff*, Captain *Johnson Harmon*, and Liutenant *Goddard*, have laid their several Complaints against those Officers, that they were cheated of a considerable part of their Allowance, as well as Obligated to give Bonds and Sign Blanks for Orders, for a great part of their Wages, to be dismist from the Service, Payable to said Officers, notwithstanding his Excellencies Orders for their being Released.

And Whereas Mr. *Benjamin Snow*, Representative of *Bridgewater*, Informs the House, That *Solomon Snow, Isaac Snow, John Ripley* and *Bonny*, lately under the Command of Capt. *Francis Barker*, in His Majesties Service Eastward, were Obligated and did Actually Pay to the said Capt. *Barker*, Four Pounds *per Man*, and found another Man to supply their places in said *Barkers* Company, before the said *Barker* would Release or Discharge them from the Service.

Voted, That his Excellecy the Governour be desired forthwith, to Express his Orders to the above Officers to attend this House, on Friday the 16 Instant, to make Answer to the Complaints severally Exhibited against them.

Sent up by Mr. *Knoulton*, Mr. *Wainwright*, Mr. *Heath*, Mr. *Spurr* and Major *Fullum*.

Then the House Adjourned till to Morrow Morning Ten a Clock

Ueneris 9 Die Martii, 1721.

John Turner Esqr. Brought down the Vote of this House, which was Sent up for the Tryal of Monsieur *Casteen*, Non-concurred Unanimously by the Board, and a new Vote of Council with it, *viz.*

In Council March 9th 1721. *Ordered*, That Monsiuer *Casteen*, be continued under his present confinement until further Order of this Court at their next Sessions, and that Capt. *Penhallow* with Three or Four other Persons, capable of giving Evidence concerning said *Casteen*, be Summoned to attend at the said Sessions, that so the Court may take proper Measures in that affair.

Josiah Willard Secretary.

Sent down for Concurrence.

A Petition Signed *Abraham Martin*, Praying, That he may be allowed the Sum

of *l.* 18—7—0 charges he has been at, in Prosecuting *Nicholas Halloway* and *Jacob Simons*, for uttering false Bills, and a Reward for Discovering & Prosecuting them. Read and *Ordered* to lie on the Table.

A Petition Signed *Joshua Rice*, and 32 others Inhabitants of *Worster*, Praying, That they may be directed how to settle the Divisions that are among them, and [10] Impowered to finish their Church, by Raising Taxes for the same, and for other Uses. Also a Petition, Signed *Benjamin Flagg* and 29 others Inhabitants of said Town. Praying, That their differences may be Referred to a General Council of Churches as it is agreed upon, and that the Town may be still continued under the Committee of this Court. Both Petitions Read.

A Petition Signed *Zachariah & John Hubbard*, Executors to Capt. *Zachariah Tuthill*, Praying, That they may have some allowance for the loss he suffered by Victualling the Cattle, from *May 1706* to *April 1713*. which amounts to *l.* 338—6—7 *per* the Account herewith Exhibited, as they were drawn up by Capt. *Tuthill* to be laid before the House, Read and Dismist.

An Accompt Signed *Josiah Willard* Secretary, amounting to *l.* 22—15—0 for Entering the Records from *August 24th* to *November 7th* and the Entries in the Council Book. Read and

Resolved, That the Sum of *l.* 22—15—0 Be Allowed and Paid out of the Publick Treasury to *Josiah Willard* Secretary, to Discharge said Accompt.

Sent up for Concurrence.

Also Resolved, That the Sum of *Five Pounds* be allowed and paid out of the Publick Treasury to *Josiah Willard* Esqr. Secretary, being for so much he advanced to *Rowland Dike*, who was sent an Express to the Officers *Eastward*.

Sent up for Concurrence.

Two Accompts Signed *Benjamin Eliot* referred to this Sessions.

One amounting to *l.* 15 10 3 for Sundrys delivered to the Secretary.

One amounting to *l.* 16 9 2 delivered to Ditto. Read.

Resolved, That the above Sums amounting to *l.* 31 19 5 be allowed and paid out of the Publick Treasury to Mr. *Benjamin Eliot* in full discharge of said Accompts. Sent up for Concurrence.

Three Accompts Signed *Edward Winslow* Sheriff, amounting to

1st. *l.* 21 9 9 For sending Laws and Proclamations to the several Counties.

2. *l.* 13 2 5 For Exence on the Province House.

3. *l.* 43 13 For sending Proclamations, &c. Which was continued to this Sessions. Read.

John Otis, *John Turner* and *Spencer Phipps* Esqrs. Brought down the Resolve for the Supply of the Treasury. Passed on in Council, viz. *March 9. 1721*. Read and Voted unanimously, That this Board do adhere to their Amendment.

Sent down for Concurrence.

Read and Noncurred, and that the House do adhere to their former Resolve. Sent up by Mr. *Pepper* and Mr. *Ward*.

Mr. *Isaac Taylor*, and Mr. *Robert Temple* were again admitted into the House, and offered the following Articles about the *Eastern Settlements*, as follows.

Much *Honoured*.

IN compliance with your desire, we the Underwritten have reduced our thoughts with respect to the Eastern affairs into these few Heads. *viz.*

1. We are well assured, that the People there are under perplexing and anxious fears, occasioned by the *Indians*; Who besides their former Insults in Summer last, with the Loss of several Creatures; the produce of their years [11] Work, have of late Superadded, that is to say since the 7th *January* last, killed 7 Horses, 5 Cows and Oxen, and have threatened the Bruning down of several Houses, Particularly at *Garden Island*, and the chops of *Merrymeeting Bay*.

2. These Creatures above-mentioned, are Killed by the Frenchified party of the *Indians*, as appears to us by the Information we have Received from the more Friendly party, and other Confirming Testimonies.

3. Some Families have gone down, and others that were ready to fly off, have been Induced to stay in Obedence to his Excellencies Proclamation, forbidding the Remove of any from the *Eastern Frontiers*, &c.

4. That most if not all the Families at *Kennebeck*, would have Removed ere now, but are prevailed on to stay for the Result of this present Sessions, which we have Engaged to Communicate to them, which we perswade our selves will end in the Disappointment of our Peoples fears, and the Haughty hopes of our Adversaries.

Subscribed by your most Humble Servants.

March 8th 1721, 2.

Isaac Taylor.

Robert Temple.

A Message by *Benjamin Lynde Esqr. viz.* In Council *March 9th 1721.*

Ordered, That the Inferiour Court Appointed to be Held at *Charlstown*, for the County of *Middlesex* on the Second *Tuesday* in *March*, be Removed to *Concord*, and there to be Held on the Second *Tuesday* in *April* following.

Sent down for Concurrence, Read and Concurred. Sent up.

Voted, That the several Soldiers which have put in their Complaints against their Officers, be Summoned by the *Speaker*, to attend this House on *Friday* next.

A Act, to Enable the Town of *Oxford*, to lay a Tax on the Resident and Non-resident Proprietors, &c. towards Building their Meeting House, &c.

Read a First time.

Then the House Adjourned to Wednesday next Ten a Clock.

VOTES

Of the House of Representatives

Mercurii 14 Die Martii. 1721.

AN Act to Enable the Town of *Oxford*, to lay a Tax on Resident and Non-resident Proprietors &c. Read a Second time.

A Petition Signed *Nathaniel Brewer*, *Nathaniel Glover* Junior, Agents for the Proprietors in *Dorchester*, Praying, That as sundry great Quantities of Iron Oar, Wood, Timber, &c. have been carried off from the New-Grant, contrary to the Order of this Court, they may have liberty to Seize them. Read.

The two Petitions, containing the Differences between the contending parties in the Town of *Worcester*, Read, and Debated on, with the Resolve of the Council of Churches also Read, and continued to *May* Sessions.

An Accompt Signed *John Giles*, Amounting to *l. 41 19 7* for Charges and Expence, in getting Intelligence from the *Indians*. Read.

Sundry Papers sent by Mr. *Came*, Capt. *Plaisted*, Mr. *Dennet*, the Committee Appointed by this Court to take care of the Loggs cut on the Province Land above the Town of *Berwick*, with the Accompt of their Charges amounting to *l. 13 12 2* besides their trouble in looking after them,

Read and committed.

A Message by Mr. *Secretary*, That the Board are ready to attend the Hearing of Mr. *Hugh Hall*, which was referred to this Day.

Voted, that Mr. *Pomry* and Mr. *Throop*, Go up to the Board and acquaint them, that this House is ready to attend it.

A Petition Signed *Abraham Martin*, Presented the 9th Instant, was Read again, Debated upon and Dismist.

Voted, That a Precept be sent to the Town of *Cambridge*, for the Choice of another Representative in the Room of Col. *Edmund Goff*.

Voted, That Col. *Edmund Goff*, be Informed of some Complaints Exhibited against him, by several Soldiers that were under his Command, which is to be heard on the 16th Instant.

A Message by Mr. *Secretary*, That the Hearing of Mr. *Hugh Halls* cause, is deferred till to Morrow Morning at Eleven a Clock by consent [14] of both Parties,

A Petition Signed *Zachery Bicknel*, Read *March 2d* 1720. and Referred to a further consideration, was Read again and further Referred to *May* Sessions.

A Motion being made by several of the House, That there might be a New Impression of the Laws of this Province, the Question was put, And it Passed in the Negative? On further Debate.

Resolved, That a New Index be composed for the Law Book, at the Charge of the Province, and One of them be Delivered to each of the present Members, for the Use of their Town. Sent up by Capt. *Heath*,

And upon further Debate, Whether, The Towns should be supplied with Law Books, if Mr. *Eliot*, had a sufficient Number Printed,

It Passed in the Negative?

A Petition Signed *Daniel Oliver* and *William Welsteed*, Executors to the last Will and Testament of *Grove Hirst* Esqr. Deceased, Praying, That they may have Liberty to Dispose of the Childrens part of the Mills, &c. at *Neponsit-river*, for Reasons therein, Read again, And

Ordered, That the Prayer of the Petition be Granted, and they have Liberty to bring in a Bill accordingly. Sent up for Concurrence.

The Muster-Rolls belonging to *Castle-William*, the Muster-Roll and Hire of the Sloop *George*, and Doctor *Pembertons* Account for looking after the Soldiers at the Castle, were all Read and Committed.

A Petition Signed by 80 Inhabitants of this Province, Praying, That a Tract of Land about Eight Miles Square, lying North of the two Towns last laid out, Westward of *Dunstable*, on both sides of *Sohego-River*, (which was Preferred the last Sessions and Referred to this,) Read again and Committed to Capt. *Throop*, Capt, *Pomery* and Major *Fullum*, to propose some methods for the Regular Settlement thereof.

A Motion being made and the Question put, *Whether the Committee that were Appointed on the 9th of June last, to Survey the Land on each side of Merrimack-River, between Sohego and Cuntacook Rivers, (which Lands were Petitioned for by 120 of the Inhabitants of the County of Essex,) be Revived.*

It Passed in the Affirmative.

Spencer Phipps Esqr. Brought down the Vote of this House for Printing a New Index to the Laws, which was Read in Council, and Concurred to with Amendment, *Viz. A New and more Perfect Index, &c.*

Viz. And that Addington Davenport, Paul Dudley, Esqrs. and Mr. Secretary, with such as the Honourable House shall joyn with them, Be a Committee for Effecting the said Affair. *Josiah Willard* Secretary.

Read and Concurred, Sent up.

Mr. *Secretary*, Brought down a Petition Signed *Jonathan Blake, G. Sumner, &c.* Granted by this House *March 7th* and Sent up for Concurrence, which was Concurred to in Council with Amendment.

Sent down for Concurrence.

Then the House Adjourned till to Morrow Morning Ten a Clock.

VOTES

Of the House of Representatives.

Jobis 15 Die Martii, 1721.

A Message by *John Turner Esqr. viz.* In Council, *March 14. 1721.*
The Board taking into consideration, that part of his Excellency's Speech, referring to the Governour of *Canada's* Letter, his having encouraged and assisted the *Indians* in their late appearance at *Arowsick*.

Voted, That *Samuel Sewall, John Otis, Benj. Lynde Esqrs.* with such as the Hon. House of Representatives shall joyn with them, be a Committee to consider what may be proper to be done in that Affair; the Committee to sit forthwith.

Sent down for Concurrence.

J. Willard.

Concurred and Voted, That *Mr. Cooke, Mr. Fullum, Mr. Pomery, Mr. Throop* and *Mr. Epps*, be added to the Committee.

Sent up by *Capt. Heath* and *Capt. Ward*.

Mr. John Death, Representative of the Town of *Sherbourn*, having produced a Receipt from the Treasurer for the Towns paying *l. 92* 10 the value of the Lands allowed to the Town of *Sherbourn* in *May* Sessions, upon payment of *6d. per Acre*; desired it might be accepted (tho' the Money was not paid by the time limited) and that the *3700 Acres* of Land added to their Town, may be confirmed to them. Read, Accepted and Voted, that the said Land be confirmed to the Town of *Sherbourn*.

Sent up for Concurrence.

Samuel Sewall, Isaac Winslow, Addington Davenport and *Samuel Thaxter Esqrs.* Bro't down the Resolve for Supply of the Treasury. Passed on in Council, *viz.* Unanimously Nonconcurrent, and that they insist on their Amendment. Read & Resolved, That *Mr. Cooke, Mr. Pomery, Mr. Fullum, Mr. Foster* and *Mr. Throop*, be a Committee to prepare a new Draught for Supply of the Treasury.

Mr. Cooke from the Committee Reported, On the sundry Petitions following, which were Read Accepted, & accordingly Voted on. The Petition Sign'd *Abr. Holman* Se-[16]nior, and seventeen others Inhabitants on the West-side *Sudbury* River, Praying That the Resolve of the General Court, *Anno 1715*. And Confirmed at a Sessions in *May* last past, for the Erecting, Building and Finishing a New Meeting-House on the West-side said River, at a place called *Poplar Swamp Gutter*, on the West Side of said Gutter, and on the North Side of *Lancaster* Road, between said Gutter and *Hart* Pond may be complied with; think it highly reasonable the aforesaid Order and Resolve of the General Court at their last *May* Sessions be accomplished; That therefore the Select-men or Assessors of the Town of *Sudbury* do forthwith proceed to Assess the Inhabitants

of the Town of *Sudbury* to a Tax of *Four Hundred Pounds*, and make out their Warrants to the several Constables within the Town of *Sudbury*, for the Collecting and Gathering, and paying into the Town Treasurer the aforesaid Sum of *Four Hundred Pounds*, to be applied for the Use aforesaid, but if the sum of *Four Hundred Pounds* should prove insufficient to compleat the aforesaid Meeting House, that then the Select Men or Assessors, Assess the Inhabitants to another Tax sufficient to answer the end. And if the Town of *Sudbury* do not comply with, and compleatly finish the Meeting House within the space of Two Years next coming, that then they Forfeit and Pay to His Majesty for such Ends and Uses as this Government shall then direct, the Sum of *Four Hundred Pounds*.

And upon the Petition Signed *Ephraim Curtis*, and Fifty four others Inhabitants on the East side *Sudbury* River, setting forth their reasons for not complying with the Order of this Court for Building the Meeting House on the West side the River at *Poplar Swamp*, and offering a Projection for dividing the Town of *Sudbury*, and making it two distinct Townships, if the Court see meet. The Committee are of Opinion, that the aforesaid Petition is altogether groundless, and ought to be Dismissed.

Farther upon the Petition of *John Dunton* and Thirteen others Inhabitants of *Sudbury*, together with the Representation of a Committee Chosen by the Town of *Sudbury*, on the 29th of *January* last past, to Enforce their Petition, that the Old Meeting House on the East side of the River, may be Removed more Southerly; The Committee are of Opinion, that some suitable Persons be appointed to Repair to the Place, and view the East Precinct, and Report to the next Sessions of this Court the most suitable place for a Meeting House. Provided the Petitioners, *Dunton* and others be at the Charge thereof.

Voted, That Major *Fullum*, Mr. *Menzie*, Capt. *Johnson* be a Committee to view the place and make Report accordingly. Sent up for Concurrence by Mr. *White*.

And upon the Petition of the Select-men of *Mendon*, That there be a hearing had at the Sessions of this Court in *May* next, the adverse Party being Served with a Copy of said Petition, & Order thereon seasonably. Provided the Town of *Mendon* be at the Charge of a skilful Surveyor to go to *Mendon*, and make a Plat of their Township, conformable to the Return of *Joshua Fisher*, on the General Courts Grant to *Mendon*, the 15th of *May*, 1667. And then Confirmed.

And that Capt. *William Ward* be the Surveyor.

Sent up for Concurrence.

A Petition Signed *Nathaniel Hubbard*, and 21 others Inhabitants of the Town of *Dorchester* (which was Read *Sept. 8th* past, and a hearing Ordered upon it the Second *Wednesday* of this Sessions, but not passed on in Council) the said Petitioners, praying, that it may be revived, and a hearing granted them.

Ordered, That the Petition be revived, and that the Town of *Dorchester* be served with a Copy of the Petition, that they may shew cause (if any they have)

why the Prayer of the Petition may not be granted on the 3d *Wednesday* of the *May* Sessions. Sent up for Concurrence by Col. *Buckminster*. [17]


An Act, To Enable the Town of *Oxford* to Lay a Tax on the Resident, and Non-Resident Proprietors, towards Building their Meeting-House.

Read a third time, and Resolved that the Bill do pass to be Engrossed.

Sent up for Concurrence.

Ordered, That Mr. *Cooke*, Mr. *Heath*, Mr. *White*, Mr. *Osgood* and Mr. *Rand* be a Committee to draw up a Bill to prevent the Spreading of the Infection of the Small-Pox by the practice of Inoculation.

Then the House Adjourned till to Morrow Morning Ten a Clock.

 In Page 8. line 3 from the bottom, Read Molasses for Messales.

Ueneris 16 Die Martii, 1721.

A Petition Signed *Thomas Drury*, &c. of *Framingham*, Praying liberty to purchase 160 Acres of Land from the *Indians* at *Hasanamisco*, to set up a Griss-Mill for the benefit of the Inhabitants; And the Report of the Committee appointed *June 24. 1721.* to Survey the same, was Read.

Accepted and Sent up for Concurrence.

A Letter Signed *Vincent Joseph d' St. Casteen* to his Excellency the Governour was Read, and *Ordered*, that Mr. *Cooke*, Mr. *Wilson*, Mr. *Pomery*, Mr. *Shaply* and Mr. *Fullum* be a Committee of this House, to joyn with such as the Honourable Board shall appoint; to consider the Proceedings of this Court for bringing Monsieur *Casteen*, to a speedy Tryal, and project in what Method to pursue the same.

Sent up by Capt. *Throop*.

Edward Bromfield Esqr. brought down the Vote of this House for bringing Mr. *Casteen* to a speedy Tryal, with Amendments. That the Words, *The Proceedings of this Court for bringing Monsieur Casteen, to a speedy Tryal*, be Erased. And the Words *What Method to pursue the same*, and also the Words, *That Affair*, be Erased, And that the following Words be added in the room thereof, *What shall be thought most advisable to be done in the Affair of Monsieur Casteen*, And that *Thomas Fitch, Edmund Quincy, Paul Dudley & Samuel Thaxter Esqrs.* be Joyned to the Committee of the House for the Affair above.

Sent down for Concurrence.

Josiah Willard Secretary.

Read and Concurred.

A Petition Signed *Edward Hutchinson* with 13 others, praying that this Court would take some further care about securing the *Eastern Settlements* for the reasons therein. Read, Debated on, and

Voted, That Mr. *Fullum*, Mr. *Heath*, Mr. *Throop* and Mr. *Clarke* be a Committee to consider what is proper to be done further for securing the *Eastern Settlements*.

The Honourable *Samuel Sewall* Esqr. was admitted into the House, who desired that his 1000 Acres of Land Lying within the 6 mile square Settled in *Rutland*, may be freed from the 3d per Acre imposed on the Lands in said Town, according to the Vote of this House, on the 6th Instant. And withdrew.

Then the Question was put, *Whether the House would Reconsider the Vote upon Rutland*. And it passed in the Negative.

John Turner Esqr. brought down the Report of the Committee of both Houses on the *Dorchester* Petition. Passed in Council, *viz.*

In Council, *March 16. 1721. Resolved*, That the Meeting of the Proprietors in *Dorchester, March 16. 1718.* and the several Adjournments thereof by virtue of a Warrant of Mr. Justice *Lynde*, be held and deemed good and valid), the ab[18]sence of the Moderator and other Objections made thereon notwithstanding) and the Petitioners be enabled to have a Tryal at the next Superiour Court, for the County of *Suffolk*, and by a Jury, the Cost hitherto to remain as they are.

Sent down for Concurrence. Read and Concurred.

A Petition Signed *Nathaniel* and *Peter Oliver*, Praying, That this Court would allow them to continue in their Estate Morgaged to the Province, &c. upon their paying the Annual Interest, for the six years to come. Read and Ordered, That upon their paying in the Arrearages of Interest, and the Charges in three Months time, with the punctual payment of Interest as it becomes due, the Commissioners do suspend the Sale of the Land for two years time.

Sent up for Concurrence.

John Otis Esqr. brought down the Petition of *Jonathan Blake*, &c. which was passed on in this House, and Sent up for Concurrence. Passed on in Council with this Amendment (provided all the Evidences that were at the former Tryal be had on the Tryal hereby allowed.) Sent down for Concurrence.

Read and Concurred.

A Petition Signed *Andrew Greely* of *Amesbury*, praying, That he may be allowed to prosecute *Nathaniel Longfellow* of *Hampton*, for taking a Horse from him within three mile of *Merrimack River*, &c. Read and

Ordered, That a Message be sent to the Board, and inform Col. *Appleton*, that this House desires to speak with him on this Petition, Col. *Appleton* came down and informed the House, that *Nathaniel Longfellow* was now under Bond to Answer it at the Quarter Sessions in *Essex*.

Ordered, That the Quarter Sessions for the County of *Essex* be directed to proceed to the Tryal of *Nathaniel Longfellow*, according to the Prayer of the Petition. Sent up for Concurrence.

Mr. *Secretary* brought down a Petition Signed *Margaret Wittington* of *Newport*, Praying That she may have liberty to dispose of some Lands lying in this Province, for payment of her Husbands Debts, &c. Passed on in Council this Day, *viz.* *Ordered*, That the Petitioner be impowered with consent and approbation of

the Judge of Probate of Wills, for the County of *Bristol*, to execute a good and sufficient Deed or Deeds in the Law for Sale of the several Lotts lying in the Township of *Little-Compton* (left to her by her father) except those Tracts mark'd in the Margin of the Apprizement of the said Lands by *John Wood*, *William Pebody* and *Thomas Grey*, amounting to the Sum of *l. 500* Provided the Judge of Probate take effectual care, and sufficient security, that the Money produced by the Sale, be applied first to the payment of the Petitioners just Debts, the remainder thereof to the support and Maintainance of her and her Family, and that she have leave to bring in a Bill accordingly.

Sent down for Concurrence.

Read and Concurred.

Ordered, That the Select-men of the Town of *Boston*, be impowered to Enquire after the Weights and Measures belonging to the Province, and deliver them to the Treasurer. And if any of them are wanting, to provide others, and deliver them to the Treasurer. [19]

Voted, That Mr. *Epps*, Major *Fullum* and Mr. *Knoulton*, Go up to his Excellency and Inquire, Whether his Order to the Officers was to attend this House, or the Court? Who Returned, that he Designed it should be heard before the whole Court, and Desired it might be so.

Voted, That the said Committee Go up to his Excellency and the Board to inform them that this House would attend the Hearing at 4 Afternoon.

Post Meridiem.

The Court proceeded to Hear the Complaints given in against Col. *Edmund Goff* and Lieutenant *Goddard*, and their Answers thereto.
Then the Court Adjourned to *Tuesday* Morning Ten a Clock.

VOTES

Of the House of Representatives.

Martis 20 Die Martii. 1721.

THE Court proceeded to hear the Complaints given in against Capt. *Johnson Harmon*, and his answers thereto, &c.

A Bill for Preventing the Spreading of the Small-pox, by way of Inoculation, was Read a 1st time.

Penn Townsend, Esqr. Brought down the Petition of *Hugh Hall*, of *Barbadoes*, and the Vote of Council thereon, Viz.

Ordered, That the Petitioner be Enabled by a Private Act, to Redeem the Estate Mortgaged to Major *Richards*, mentioned in the Petition, the Petitioners Paying all the principal Sum for which the Estate was Originally Mortgaged, besides what was Paid out of the Estate of *Benjamin Gibbs*, the Original Mortgager, and the Money Paid by Mr. *Anthony Checkly*, to said *Richards*, as also the Interest that may be due to the Heirs of the said *Checkly*, for Principal Paid by him. The said *Checkly* Allowing for the Use and Improvement of said Real Estate while in his Possession, and those that Held under him. The Petitioner also allowing what may be Reasonable for the Additional Buildings Erected upon the Mortgaged Premises to the Heirs of said *Checkly*.

Sent down for Concurrence, Read and Concurred.

In the House of Representatives,

Resolved, That the Treasurer be, and hereby is directed to Issue forth & Emit the Sum of *l. 12000* in Bills of Credit on the Province, *l. 8000*, part thereof delivered to him by the Committee that made said Bills, pursuant to a Resolve of the General Court, at their Sessions in *August* last, together with *l. 4000*, the residue thereof, which is, and will be brought into the Treasury by Taxes, Duties of Impost, Excise, and the Interest of the Loans, for the Defence and Support of this Government, the protection and preservation of the Inhabitants thereof, to be used and disposed of as is hereby directed in manner following.

That the Sum of *l. 8000*, part of the aforesaid *l. 12000* be, and hereby is appropriated to, and for the supplying, supporting and paying the Charge of Castle *William*, and the other Forts and Garrisons within this Province; as also the Soldiers with the Officers Wages raising for their Service (provided the Muster Rolls, or any Account of Charges and Expence in the Castle, Forts and Garrisons shall not be paid, until such Muster Rolls and Accounts of Charge and Expence, hath been Examined and allowed of by this Court) according to such [22] as shall from time to time be made upon him by Warrant, under the Hand of the

Governour, with the Advice and Consent of the Council, and that the aforesaid *l.* 8000 be drawn out of the Treasury, for the end & uses above appropriated only.

That the Sum of *l.* 3700 part of the aforesaid *l.* 12000 be, and hereby is appropriated to and for the payment of the Publick Debts of this Province already Contracted; and for payment of all Grants, Stipends, Salaries, Allowances, Bounties and Premiums, made and to be made by this Court, several of the aforesaid Stipends, Grants, Salaries, & Allowances being already paid out of the *l.* 5000 Granted the last *May* Sessions, the Draughts to be made upon the Treasurer for any part of the aforesaid Sum of *l.* 3700 to be by Warrant as above mentioned.

And that the aforesaid Sum of *l.* 370 be drawn out of the Treasury, for the ends and uses above appropriated only. And that the Sum of *l.* 300 being the remaining part of the aforesaid Sum of *l.* 12000 be, and here is appropriated for payment of all unforeseen necessary Charges arising in the Recess of the Court, whether occasioned by Pyrates, or any other Invasion by Sea or Land; as also for payment of Expresses Dispatched in the Service of this Government; or occasioned by other ways or means that demand prompt payment, to be drawn upon the Treasurer aforesaid.

And that the aforesaid Sum of *l.* 300 be drawn out of the Treasury for the uses above appropriated only; (provided always that the several Draughts made upon the Treasury as aforesaid do express and declare, out of which appropriated Sums the Money is to be paid.

And the said Bills shall pass out of the Treasury at the value expressed in them equivalent to Money, and shall be so taken and accepted in all Publick Payments; and that the Duties of Impost and Excise shall be a Fund and Security for the Repayment and Drawing in the said Bills into the Treasury again, so far as that will reach. And as a further Fund and Security for the same, *It is further Resolved*, That there be, and hereby is Granted unto His most Excellent Majesty, for the ends and uses aforesaid, and for no other ends and uses whatsoever, a Tax of *l.* 6000 to be Levied upon Polls and Estates, both real and personal within this Province, according to such rules, and in such proportion upon the several Towns and Districts within the same, as shall be agreed on by the Great and General Assembly of the Province, at their Sessions in *May*, 1732. and paid into the Treasury on or before the last Day of *December* next after. And that the further Sum of *l.* 6000 being the remainder of the aforesaid *l.* 12000 be Levied upon Polls and Estates, both real and personal within this Province, according to such rules, and in such proportion upon the several Towns and Districts within the same; as shall be agreed on and ordered by the Great and General Assembly of the Province, at their Sessions in *May*, 1733. and paid into the Treasury, on or before the last Day of *December* next after. And whereas thro' the scarcity of Bills of Credit it grows difficult for persons to convert the produce of their Lands, &c. into Bills, and pay their Rates in them. *It is further Ordered*, That the Inhab-

itants of this Province shall have liberty (if they see cause) to pay the several Sums that shall be on them respectively Assessed in the Species hereafter mentioned, at such moderate Rates and Prices as the Great and General Assembly shall set them at, *viz.* In good barrel Beef and Pork, Wheat, Indian Corn, Barley, Rye, Oats, Flax, Hemp, Pease, Bees-wax, Butter in Firkins, Cheese Hides, Tan'd Leather, dry Fish, Mackril in Barrels, Oyl, Whale bone, Bay-berry Wax, Tallow, Pitch, Tar and Turpentine.

Which Species shall be received by the Treasurer, of the several Constables or Collectors, and by him disposed of to the best advantage, for the Calling in of said Bills into the Treasury again. And if any Loss shall happen by the Sale of the aforesaid Species, or any other unforeseen accident shall arise, that such Deficiencies shall be made good by a Tax of the year next ensuing, so as fully & effectually to Call in the whole Sum of Bills Emitted as aforesaid. Sent up for Concurrence by Mr. *Clarke*, Mr. *Throop*, Mr. *Goram*, Mr. *Barker* & Mr. *White*. [23]

A Memorial Signed *Daniel Russel* Commissioner of Impost, That the Boat belonging to the *Light-House*, wants a New Sprit-sail, Cable and Anchor, &c.

Read and

Ordered, That Mr. *William Clarke* with the Commissioner of Impost, be Desired to take care of Providing of them.

An Accompt Signed *John Campbell*, Amounting to L. 5 8 0 for Printing Advertisements, &c. By Order of the Governour and Council,

Read and Dismist, because he could not produce any Order for his Printing them.

Spencer Phipps, Brought down a Petition Signed *Richard Bill*, &c. Residuary Legatees of Major *John Richards*. *Praying*, That they may have a time Assigned them to lay a Memorial before the Court, against the Petition of Mr. *Hugh Hall*, &c. Which was Read in Council and Sent down,

Read and Dismist.

Ordered, That Mr. *William Clark*, be one of the Committee for Examining the Muster-Rolls, in the Room of Mr. *Cooke* who is absent.

John Otis, Esqr. Brought down the Vote of this House on the *Sudbury* Petitions Non-Concurred in Council, and a Vote of Council thereon, *viz.*

The Board having considered the *Vote of the Honourable House Referring to the Placing their Meeting-Houses in Sudbury*, and having also considered the great dissatisfaction of the Inhabitants of the *West-side* of said Town, with the Order of the General Court at their Sessions in December 1715. Appointing the Place of the Meeting-House on the *West-side* near Poplar-Swamp-Gutter, between said Gutter and Hart-Pond,

Voted, That *William Tailer*, *Paul Dudley*, and *Samuel Thaxter*, Esqrs. with such as the Honourable House shall Appoint, be a Committee, once more to View the Several Places proposed, or what may be proposed for the Meeting-House on the

West side the River, And Report where it may be Placed most conveniently for accommodating the Inhabitants of that side of the River, so always that the salary of the Reverend Mr. Loring, be no ways Diminished,

Sent down for Concurrence.

Read and Concurred, and that Mr. *Ebenezer Stone*, Mr. *William Wilson*, Mr. *Jabes Fairbanks* and Mr. *Francis Bowman*, be added to the Committee, and the Charges born by the Town of *Sudbury*,

A Petition Signed *Mathew Perkins*, Praying, to be Impowered by this Court to Sell some Lands, to Enable him to Discharge his Debts.

Read and Committed,

Benjamin Lynde, Esqr. Brought down An Act, to Enable the Town of *Oxford*, to lay a Tax on Lands, Concurred in Council with Amendment, and Sent down for Concurrence, Read and Concurred.

A Petition Signed *Cyprian Whipple* and *Dorothy* his Wife, in behalf of themselves, &c. Heirs of Mr. *William Simonds*, Son and Heir of the Hon-^{ble} *Samuel Simonds*, Esqr. Praying, That 760 Acres of Land yet Remaining to be Laid out to them, of the Land formerly Granted to the said *Samuel Simonds*, may be Allowed them,

Read and Referred to the May Sessions.

A Petition Signed *Samuel Mattock* and *William Ambross*, &c. Praying, That this Honourable Assembly, would Confirm their Deed of Sale for a House and Land in the Town of *Boston*, &c. Read and Sent up.

A Bill for Preventing the Spreading of the Small-Pox, by way of Inoculation, Read a Second time.

Mercurii 21 Die Martii. 1721.

Voted, That the Day of *April*, be Appointed a Day of Fasting and Prayer to Almighty GOD, throughout the several Towns and Precincts of this Province, to Implore his Divine favour on the Ensuing Year.

Sent up for Concurrence by Mr. *Knoulton*, Mr. *Stone* and Mr. *Heath*.

Samuel Thaxter Esqr. Brought down a Petition of *Rowland Dike* and *Richard Frost*, Praying, an Allowance for Waiting on his Excellency with Halbarads,

Read and not Passed upon, their Petition being not Signed

A Petition Signed *Samuel Ashly*, in behalf of *Jonas Dowe* of *Albany*, Praying, some Allowance for Entertaining Monsieur *Bevene*, a French Officer Sent there to be Exchanged for some of our Captives.

Read and Committed.

Thomas Fitch Esqr. Brought down the Papers and Evidences against the Officers that the House might first proceed upon them.

Voted, That Mr. *Knoulton*, Mr. *Clarke*, Mr. *Stone*, Capt. *Throop* and Mr.

Foster. Be a Committee to consider the Complaint of the Soldiers against their Officers, with the Answers to them, And make Report accordingly to this House.

Isaac Winslow Esqr. Brought down An Act to Enable *Daniel Oliver* and *William Welsted* Esqrs. To dispose of the Mills &c. Petitioned for, which was Passed in Council to be Engrost, Sent down for Concurrence.

The Bill was Read Three times and Concurred. Sent up.

A Bill for preventing the Spreading of the Small-pox, by way of Inoculation, Read a Third time, And Resolved, That the Bill do Pass to be Engrossed.

Sent up for Concurrence.

Penn Townsend, *Samuel Thaxter*, *Addington Davenport*, *Edmund Quincey* and *John Cushing*, Esqrs. Brought down the Resolve for Supply of the Treasury,

Concurred with an Amendment, Sent down for Concurrence.

Read and Non-Concurred *Nemine Contradicente*. And the House Insist on their former Vote, Sent up by Mr. *Clarke*, Mr. *Epps*, Mr. *Osgood*, Mr. *Foster*, Mr. *Troop*, Mr. *Foot* and Mr. *Brown*. [25]

A Muster Roll of the Soldiers under Capt. *Samuel Moody*, beginning, *January* the 2d, and ending *December* the 11th, 1721. was Presented to the House.

An Accompt of Charges Relating to Monsieur *Casteen*, Amounting to *l. 17—11—0*.

An Accompt Signed *Dominicus Jordan* for his 14 Days Service.

An Accompt Signed *Joseph Bean*, amounting to *l. 4* for his Attending the Commissioners.

An Accompt Signed *Lewis Bane*, for Ferrying the Soldiers off sundry times.

All Five Read and Committed.

An Accompt Signed *Jonathan King*, amounting to *l. 8 8* for Subsisting 16 Men in the Service, &c. Read and

Resolved, That the Sum of *l. 8 8* be allowed and paid out of the Publick Treasury to Col. *Jonathan Ting*, to discharge the said Accompt.

Sent up for Concurrence.

Mr. *Cooke* from the Committee Reported, viz. On Col. *Appleton's* Accompt, That the *1 s. 6 d. per Day* for Billiting Soldiers, ought to be Reduced to *12 d.* the other Article is just.

Which was Accepted and Resolved, That the Sum of *l. 4 12* be allowed and paid out of the Publick Treasury to Col. *John Appleton* in full Discharge of the said Accompt.

Sent up for Concurrence.

On Col. *Wheelwright's* Accompt that the *1 s. 6 d.* ought to be but *1 s. per Day*; the other Articles are just. Which was Accepted and Resolved, That the Sum of *l. 24 16 9* be allowed and paid out of the Publick Treasury, to Col. *John Wheelwright*, to discharge the said Accompt.

Sent up for Concurrence.

On the Accompt Signed *Samuel Brown*, the Committee find it right Cast up, & well Vouched. Which was Accepted & Resolved, That the Sum of *l. 14 19 6* be allowed and paid out of the Publick Treasury to Col. *Samuel Brown*, in full discharge of said Accompt.

Sent up for Concurrence.

On the Accompt Signed *Samuel Came*, *Elisha Plaisted* and *John Dennet*; They find the Charge thereof just, and are of Opinion, that it should be allowed them.

Which was Accepted and Resolved, That the said Committee receive the *l. 40* which is the Sum that the Loggs Sold for, and pay the same into the Treasury, deducting the Sum of *l. 17 7 2* which is allowed them as *per* their above Accompt. Sent up for Concurrence.

An Accompt Signed *Nathan. Hale*, amounting to *l. 10 1 5* for Medicines and Attendance on *James Tayler* a Soldier, under the Command of Capt. *John Wainwright*. Read and Committed.

An Accompt Signed *John Peirpont* and *John Chandler*, amounting to *l. 11 15* for bringing *John Blin* and *John Hart*, from *Hariford* to *Boston*.

Read and Committed.

Capt. *Throop* on the Petition of *James Minot* and 86 others, Praying, &c. Reported, That a Township be granted and laid out to them on *Merrimack* River, [26] lying West of the two Towns last Settled, & Westward of *Dunstable*, Containing 6 mile square, and as near that form as may be; and that a Committee be appointed and empowered by this Court, to grant and lay out said Township in as regular and defensible a manner as may be; To receive and admit the Number of 80 such persons or Proprietors that will effectually by themselves (or other meet persons to the acceptance of the Committee) settle the same within the space of 4 years after the Land is laid out by the Committee for a Draught, and that the Committee shall have regard in the first place to the Petitioners, so many of them as shall comply with, and perform the Conditions following.

1. That each Grantee admitted, shall pay to the Committee the Sum of *l 5* for the Use of the Province, and also his full proportion of all the Charges of Surveying and Laying out the Land, and their necessary expence about the same.

2. That each Grantee shall take his Lott by Draught, and thereupon Build a good Dwelling House, not less then 18 feet long, 16 broad within the space of 4 years after the Draught of each Lott, and also be further obliged to do each his full proportion to the Building a sufficient Meeting-House for the Worship of God, in such place of the Town as the Committee shall direct, and towards the Settling of a Pious, Learned and Orthodox Minister among them, within the space of six years after drawing the Lotts, each Grantee to break up, and sufficiently Fence in at least three Acres of his Allotment in said Town, within the space of four years, and each Grantees Interest to contain the $\frac{83}{100}$ part of the Town.

3. That the Committee do also lay out the Lotts as convenient as may be for the Ministry, for the School and for the first Settled and Ordained Minister, his Heirs and Assigns for ever, that shall Live and Dye in the Work of a Gospel Ministry, or continue in the Work there Ten years after his Ordination, each of said three Lotts to contain an 83d part of the Town.

4. And if any person admitted as a Grantee in said Town shall fail of performing these Conditions, then the Committee shall have power to grant their Lotts to such others as will Settle the same according to the true intent and meaning of the Court.

Read and Accepted, and

Voted, That Capt. *Jacob Thompson*, Mr. *Jathniel Peck* and Capt. *John Shaply*, with such as the Honourable Board shall appoint be the Committee to Lay out and Settle the same.

Then the House Adjourned till to Morrow Morning Ten a Clock.

VOTES

Of the House of Representatives.

Tobis 22 Die Martii, 1721.

Isaac Winslow Esqr. Brought down the Report of the Committee of both Houses, Referring to some *French* Letters mentioned in his Excellencies Speech, viz.

Resolved, That whereas by Order of this Honourable Court, there was a Committee Appointed to consider that part of his Excellencies Speech Referring to the Governour of *Canada's*, having Incouraged and Assisted the *Indians* in their Hostile appearance at *Arowsick*. They are humbly of Opinion, upon the perusal of the several French Letters, found in Monsieur *Ralle* the French Jesuit's House at *Norriagawock*, written by the Governour Monsieur *Vaudrevil*, and Monsieur *Neyon* the Intendant, unto Monsieur *Le Chase*, have Agreed in and Concerted the Measures in Stirring up and Animating and Inspiring the *Indians* against his Majesties Leige Subjects, in their Hostile Appearance at *Arowsick*, Applauding that Insult and promising them their Encouragement and Assistance, by furnishing them with Ammunition, in order to drive the *English* from their just Settlements for the future. Wherefore,

The Committee are humbly of Opinion, That his Excellency the Governour be desired by an Express forthwith, to let Monsieur *Vaudrevil* the Governour of *Canada* know, That his own and his Governments evil Design and Methods of Stirring up and Aiding the *Indians* in their Hostilities, contrary to the Articles of Peace and Amiy, and Articles of Neutrality made between the Crowns of Great *Britain* and *France*, are detected, and to give him to understand in the Terms and Language of his own Letters to the Jesuit, by sending an Express Copy of the Originals.

And further to assure him of the firm Resolution of this Government, that if any of the *French* Missioners or Subjects of the Crown of *France*, be found within this Province, Exciting and Stirring up the *Indians*, to any Insults or Acts of Hostility, to the hurt of the Persons or Estates, of any of the Subjects of the Crown of Great *Britain*, contrary to the aforesaid Articles of Peace and Neutrality &c. That they shall be treated with a just Severity, according to their Offence.

Samuel Sewall, per Committee.

In Council, Read and Accepted,

Sent down for Concurrence.

Read and Non-Concurred. [28]

The Letters made mentioned of in the above Report, are as follows.

I Have Received my Reverend Father, the Letter that you did me the Honour to Write me the 18th last Month, Monsieur *De Vaudreuil* being at *Montreal*, at the Arrival of the *Indians* you sent here, I Engaged some of them to go to him, and carry the Letter you Wrote him, which was accompanied with one I wrote him to Communicate to him the Sentiments of Father *De la Chase* and my own, upon what we think convenient to be done till the Council of the Navy Explain themselves; if it be the Kings Intention that the *French* joins the *Indians* to Support them openly against the *English*, or if we shall content our selves to furnish them with Ammunition of War, as the Council has advised Monsieur *De Vaudreuil* might do, in case the *English* makes any Enterprize against them; I send you the Copy of my Letter, to the end you may furnish me with your thoughts which appears to you to be best.

Monsieur *De Vaudreuil* is come down here with the *Indians*, and passed St. *Francois Basancourt*, to Invite the *Indians* of those Missions to send Deputies from their Villages, to advise what's to be done.

He had a Design to Write to the *English* Governour, but since his Return has changed his Sentiment, and contents himself to follow the principal Articles of the Memorial you sent him, which are to keep themselves on their Lands; and in the Religion they have Embrac'd, and to have no longer different Sentiments amongst them, but to Unite to speak to the *English* with Resolution he thought it likewise more convenient that the Reverend Father *De la Chase* should accompany the *Indians* of St. *Francois & Basancourt* than Monsieur *De Croisil* Lieutenant, whom he brought with him, with a design to send him with those *Indians*, because that the Journey of the R. F. *de la Chase* is of more consequence in respect to the *English*, seeing the Treaty of Peace does not forbid one Missionary to Visit another in their Mission; Whereas if a *French* Officer were sent, they might complain we send *French-men* into a Country they pretend to belong to them, to Excite the *Indians* to make War on them; on which we are of Opinion, it's convenient to wait the Order of the Court for them, to the end not to Exceed.

Seeing you can't abandon your Mission to come your self, to Communicate your thoughts on this Subject, and that it's difficult to Explain them amply enough by a Letter and consequently to Instruct us in what you may know of the Rules we must limit our selves by, we thought the Journey of the Reverend Father *De la Chase* very convenient at this present Conjunction, that he may throughly acquaint you with Methods that we think we are obliged to use towards the *English*, that we mayn't Exceed, and that he may Communicate to us at his Return all the Reflections you make on the Dispositions of your *Indians*, and those of the two other Missions.

Monsieur *De Vaudreuil* has read to your *Indians*, and to them that accompanied

them, the Memorial he sends you, containing his Speech, that they may no longer say that it is that of their Missionary, we believe you'll find it in the sence you proposed it.

I caused to be given a Blanket, a Shirt, a pair of Mittens, Tobacco, Powder & Shot to each of the five *Indians* you sent, and I believe they return contented, & with good Intentions. As you are always too reserv'd in what regards your self, I have desired the Reverend Father *De la Chase* to know of you in amity what I can send you that will be most agreeable; I pray you'd make use of it without Compliment, nothing is better approved of than what you said to the *Indians* upon the News of the *English* Governour your great Enemy being Turn'd out, I wish he that fills up his place proves more reasonable, and that he lets you and your *Indians* live in quiet; this is to be wish'd for till we are well instructed, if it be the Kings Intention that openly we joyn with the *Indians* against them, if [29] they attack them wrongfully, because in the intrim we can't assist but by Ammunition, which we shall give them, and they may depend, that we won't let them want.

In respect to *Taxus*, I find you had great reason to use him as you did, and you could not be less steady than you were, it's being necessary to have no regard for those that appear more attached to the *English* than to us.

I am with all my Heart, & with all possible Attachment, my Reverend Father, your Humble and Obedient Servant,

Quebeck the 14th June, 1721.

Sign'd

Nyon.

Since my Letter's being Wrote, the *Indians* of St. Francois, and of *Basancourt* having desired of Mr. *De Vaudrevil*, that Monsieur *De Crosil* go with them, to be witness of their good Dispositions; he consented and is joyned with the Reverend Father *De la Chase*.

Quebeck, 15th June 1721.

REverend Father, I was at *Montreal*, when I Received the Letters which you gave your self the trouble to Write of the 16th of May, with two others of the following Day, which you joyned with them, By which I understand the Ill choice, that the People of *Norrigawock* made, when they Elected *Kickery Mewett*, to fill the place of the dead *Taxus*; The damage which the *Abinacke* Nation suffered by the death of that Great Captain, and the Division that Reigns among the Chiefs of *Norrigawock*, whereof many and especially the First Captains have very much Betrayed the Interest of that Nation, in openly favouring the *English*, in their pretention of being Masters of *Norrigawock*.

I have also seen the Memorial that you have Judged proper for me to say to those of *Norrigawock*, that are come hither to be Reported back again to their Village, and I very much relish that which you have thought thereupon.

The weakness which your *Indians* were guilty of, in giving Hostages to the *English* as a Security, for the Payment of Damages done to them, and the Audacious manner in which the *English* spoke to the *Indians*, in Maintainance of their Right to the *Indians* Land, and Hunting or Banishing you away seems to me, as if they would not fail of Profiting by the Division among your People in order to Subject them to their Government, unless some care be immediatly taken to prevent this Misfortune.

I made no hesitance to to leave the Affairs I had at *Montreal*, and to come away for St. *Francois* and *Besancourt*, in company of the Lieutenant and those with him, in order to Assist in what they had to say unto their Brethren of those two Missions; Having at the same time furnished them with two Belts, to Present to each Village.

My presence in those Places, made the *Indians* take up generous Resolutions to Suport their Brethren at *Norridgawock*, and was the cause of *Aben Haymen* and *Antaravrin* two Chiefs of St. *Francois*, and *Annamatchim* [30] and *Anteroir* of *Basancourt* are determined to go to *Nerridgiwack*, to be there at an Interview with the *English*, and to let them know that it is not only with the *Indians* of *Neridgawock* that they have to do, if they continue to Molest them; after this I arrived at *Quebeck* the 9th of this Month; All these People with their Young Men which accompanied them arrived the 12th, and yesterday Afternoon I Assembled them all together; the Reverend Father *Le Chase* Explained to them the Message I had prepared to send to *Norridgawock*, which was very much applauded by all the *Indians*, who testified their Resolution to follow it absolutely. I was very much satisfied with what the Lieutenant, and the Chiefs of *Basancourt* and St. *Francois* said to me thereupon; and I am apt to think that they will do every thing that can be expected from them, to give Courage to your People, unto which Reverend Father you will also add your own Explication of the Message which I have herewith sent you, wherein you will perceive that I have followed your own Idea's, at least that I am not far from them. Monsieur the *Intendant* and I have judged it proper that the Reverend Father *Le Chase* did undertake the Voyage to *Norridgawock*, in order to Confirm the Deputies of St. *Francois* and *Basancourt* in their present good Dispositions, and to animate them in speaking to the *English* with boldness. He must Pass to *Penobscot*, in order to gain the *Indians* of that place, to Depute some of their Body to be present at the Interview, in order to Assist and Fortifie their Brethren. I hope the Lieutenant will not in that Assembly disappoint the good Opinion that you have of him; If he makes good what he promises for the Interest of his Nation, he may depend upon a Recompence, and you may assure him of it.

I am Reverend Father,

Your very Humble Servant,

Vaudreuil.

Quebeck, Le 25 September, 1721.

I Received my Reverend Father, your Letters of the 4th of *August*, 10th and 14th of this Month; I have a great deal of satisfaction in your having found means in Concert with the Reverend Father Superior, to Re-unite all the *Indians* in the same Sentiments, and to inspire them with that resolution with which they treated the *English* in their Interview with them, I am also very well satisfy'd with the Message they sent the Governour of *Boston*; I'm perswaded it will Imbarasse him, and that he will Elude as much as he can an Answer, but it's for your *Indians* to see what they have to do if after the Remonstrance they gave him, he do not satisfie their Demands.

For me I'm of the Sentiment, if they have taken a sincere resolution not to suffer the *English* on their Land that they ought not to suspend Chasing them out as soon as possible, and by all sorts of means, seeing they don't prepare to Retire on their own accord.

Your people ought not to fear the want of Ammunition, since I send them a sufficiency, as you may see *per* the Memorandum inclosed; and that I'll continue with other Succours they shall want, having Orders not to let them want, and even to sustain them if the *English* Attack them wrongfully.

To the Reverend Father *Ralle*.

I Am Charmed Monsieur *René* has thus Distinguished himself in this Treaty, and that he has laboured as he has done; that the Speech of the Nation was such to the *English*, he'll receive for his Son Marks of the satisfaction I have for him or his Services, for I have sent all you desired for him. [31]

It is not the *Malaovins* that are a Settling the Isle of *St. Johns*, that Island & that of *Magerleine* and others that are in the Gulph *St. Laurance* having been given by the King to Mr. *Le Compte de St Pierre*, who causes it to be Inhabited for the Cod Fishery, Seales and Sea Cows; so that your *Abemakis* can't expect any thing from that Place.

I will Consult with the Reverend Father *Superior*, after what manner I shall receive those of your Village that were Attached to the *English*, they are on the way, and may be here about *All Saints*; but you may depend I will make the Degraded sensible how much I am Discontent with their Conduct.

I am perfectly my Reverend Father, your most Humble and Obedient Servant,

Signed

Vandreuil.

You may Promise a great Medal of the King Reigning, to him that shall be Chosen for Chief, in the Place of him Degraded.

Spencer Phipps Esqr. Brought down an Engrossed Bill, To Enable the Inhabitants of *Oxford*, to Lay a Tax on all Improved and Unimproved Lands, &c.

Read and Resolved, that the Bill do Pass to be Enacted.

Sent up.

William Tailer, Samuel Sewall, Isaac Winslow, Thomas Hutchinson, Benjamin Lynde, Penn Townsend, and John Cushing Esqrs. Brought down the Resolve for Supply of the Treasury. Read in Council, and Unanimously Voted an adherence to their Amendment.

J. Willard, Secretary.

Sent down for Concurrence.

Read and Non-concurred, &c.

Voted, That the words following be Inserted in the Resolve for Supply of the Treasury, *viz.* And the Sum of *l.* 300 being the Residue and Remaining part of the said Sum of *l.* 12000 be, and is hereby appropriated for the payment of Expresses Dispatched in the Service of this Government, together with all unforeseen necessary Charges, whether by Invasion, or any other ways arising in the Recess of this Court, that demand prompt Payment.

Sent up for Concurrence by *Mr. Menzies, Mr. Wainwright, Mr. Fullum and Mr. Spurr.*

John Otis Esqr. Brought down an Engrossed Bill to Enable *Daniel Oliver and William Welsteed Esqrs.* To Sell a Mill, &c. belonging to the Estate of *Grove Hirst Esqr.* Deceased, &c.

Read and

Resolved, That the Bill do Pass to be Enacted.

Sent up.

Resolved, That the Sum of *l.* 1 10 be allowed and paid out of the Publick Treasury to *Mr. Joseph Stibbins* for his Travel and Expence in receiving the *l.* 200 left in the hands of *William Pitkin Esqr.* and paying the same into the Treasury.

Sent up for Concurrence.

An Accompt Signed *Ebenexar Allen*, amounting to *l.* 124 17 2 for Medicines and Attendance on His Majesties Forces *Eastward.* Also

An Accompt Signed by said *Allen*, amounting to *l.* 11 17 for the Maintenance of his Horse in going from one Garrison to another, &c.

Both Read and Committed. [32]

A Petition Signed *Nathaniel Glover Junior, and Nathaniel Brewer*, Agents for the Town of *Dorchester.* Praying, That the Vote passed on *Dorchester* Petition this Sessions may be Reconsidered.

Read and

Voted, That *Mr. Ephraim Tucker* go up to the Board, and desire that they would send down the said Petition and Papers belonging thereto.

An Accompt Signed *Johnson Harman*, amounting to *l.* 33 9 for Charges on his Company.

Read and Committed.

An Accompt Signed *Robert Forrester*, amounting to *l.* 5 17 For Work done on the Province House.

Read and Committed.

An Accompt Signed *Samuel Gookin*, for a Guard to Secure the *Indian* Hostages in the Goal of *Cambridge*, before it was Mended.

Read and Committed.

A Petition Signed by *Ezekiel Ashly*, and 100 other Inhabitants of *Northampton*, praying, That their Petition given into this House, *Anno* 1717. for a Township of 8 miles square on *Attousetonick River*, may be Re-considered.

Read and Referred to *May* Sessions.

A Petition Signed by 61 Inhabitants of the Towns of *Hadly, Hatfield, &c.* Praying for another Township of six or eight mile square on *Attousetonick* River, may be granted them. Read and Referred to *May* Sessions.

Paul Dudley Esqr. brought down the *Dorchester* Petition, & Papers belonging to them, which were Read, with the Petition of *Nathaniel Glover*, and *Nathaniel Brewer*, Agents for *Dorchester*. And

Voted, That it is not intended by any words in the Resolve passed the 16th Instant, referring to the *Dorchester* Affairs, that they should operate, or be construed any ways to affect the Right of Propriety in either party, but that that Right should be left open to be determined by a Tryal at the Common Law.

Sent up for Concurrence.

An Accompt Signed by Mr. *Temple* and Mr. *Tayler*, amounting to l. 3 18 for Horse Hire, and other Expence in attending the House. Read & Committed.

Then the House Adjourned till to Morrow Morning 10 a Clock.

Veneris 23 Die Martii, 1721.

John Cushing Esqr. Brought down the Memorial of Monsieur *Casteen*, and the Report of the Committee thereon, *Viz.*

The Committee for considering the Affair of Monsieur *Casteen*, having sent for him, he acknowledged that he had given just cause by his appearing at *Arowsick*, with the *Penobscut* Indians to the Government to send for him, but at the same time he solemnly Declared that his design in coming from *Penobscut* with the *Indians* of that Tribe, was to prevent their committing any Outrage or Disorder, & that he so declared to the *Jesuit* and *Indians* before he came away, and that at *Arowsick* he had behaved himself peaceably and with affection to the *English*, also that he had well behaved himself to the *English*, Trading in those parts, and that he was the Person that Received the Present from this Government to that Tribe, and wrote the Letter of Thanks for it: By which and a Letter Received by the Governour Referring to said *Casteen*, it is to be hoped is well Attached to the *English*, and may Use his Interest and Influence on the *Indians* to the advantage of [33] this Government, and that the said *Casteen* humbly desires, that he may have leave to go Home, purposing to send back by the Vessel that carries him a good Hostage in his room, and give his Solemn Parole and Promise, to behave himself on all Occasions and in all Respects faithfully to the *English*,

The Committee are of Opinion; That the said *Casteen*, be Allowed to go Home upon his Parole and Promise, to Use his utmost Endeavour to send one in his Room, and either to Return himself in the Fall of the Year, or if he should go to *France*, then to send his Brother. And at all times Faithfully and Peaceably

to behave himself, also to Advise and Influence the Tribe to behave themselves Well and Friendly to the *English*.

Thomas Fitch pro Committee.

In Council, *March 22d 1721.* Read, Accepted and Sent down for Concurrence. Read and Concurred, Sent up

Spencer Phipps Esqr. Brought down the Petition of *Nathaniel Glover* and *Nathaniel Brewer*, Passed upon in this House, and Sent up for Concurrence.

Viz. In Council, *March 23d 1721.* Read and Concurred, And

Ordered, That the Allowance of *l. 7 0 0* to the Committee for their charge be born by the Town of *Dorchester*, the said Allowance to be Paid to *John Cushing* Esqr. for the Use of the Committee: And the Mony expended by the Committee be Paid to Col. *Spurr*, in order to defray that Charge.

Sent down for Concurrence. Read and Concurred.

The Committee for the *Eastern parts*, in Answer to the Petition of *Edward Hutchinson*, &c. Presented *March* the 16th Reported

The Committee are humbly of Opinion; That the 200 Men already out in those Parts, be there Continued & Disposed in the most proper places for Defence of those *Eastern-parts*, until the Sessions of this Court in *May* next.

And that Whereas Col. *Bomazine*, has lately given proof, of his Fidelity to the *English* Crown under which he Holds his Commission, and has not since been drawn into those vile Acts of Hostility and Insults, against the *English*, as the *Norrigawock Indians* have done.

That a suitable Present not exceeding *l. 30.* from this Government, be sent him in Cloathing Suitable to his Commission, and Provision for himself and family, with Assurance of the like Favour, to as many of his Tribes as shall give good Testimony of their Friendship to the *English* Subjects in this Government, as also suitable Protection agreeable to their Services at all times.

Francis Fullum pro Committee.

Read, Accepted and Voted that Mr. *William Clark* procure the said Present and send to Col. *Bomazine*. Sent up for Concurrence.

Samuel Thaxter Esqr. Brought down a Bill to Enable *Margerat Writington* of *Newport*, to dispose of some Lands lying in this Province, Passed on in Council to be Engrost, and Sent down for Concurrence.

Read and Non-Concurred, because the Lotts are not Enumerated in the Body of the Bill. Sent up [34]

A Muster-Roll of the Company under the Command of Capt. *Stephen Richardson*.

A Muster-Roll of the Company under the Command of Capt. *Johnson Harmon*.

A Muster-Roll of the Company under the Command of Capt. *John Penhallow*.

A Muster-Roll of the Company under the Command of Capt. *Francis Barker*.

Read and Committed.

The Return of the Committee Appointed to Run the Line, between *Dighton* and *Taunton*, with the Platt thereof, Passed on in Council, *Viz.*

In Council *March 22d.* Read Accepted: The Property of the Land contained in this Platt, not to be Altered or Determined hereby.

Sent down for Concurrence, Read Concurred, Sent up.

Mr. *Cooke* form the Committee Rported.

On the Account of Mr. *John Sayer*, That the Sum of 9 *s.* be Allowed and Paid out of the Publick Treasury, to Mr. *John Sayer*, in full Discharge of his said Accompt. Read, Accepted, And

Resolved, That the Sum of *Nine-shillings* be Allowed and Paid out of the Publick Treasury, to Mr. *John Sayer* in full Discharge of said Accompt.

Sent up for Concurrence.

Mr. *Secretary* brought down a Bill, to Enable *Margaret Writington*, &c. and informed the House, That the Lotts were designed to be put into the Engrossed Bill. Whereupon the House Voted a Reconsideration of the said Bill, which was again Read and Concurred with. Provided the Lotts be mentioned in the Engrossed Bill. Sent up for Concurrence.

Samuel Thaxter Esqr. Brought down a Bill, To Enable *Hugh Hall* to bring forward a Suit in Equity, &c. Passed in Council to be Engrossed. And sent down. Which being Read three several times was Concurred.

Sent up.

Mr. *Cooke* from the Committee Reported on the following Accompts.

On the Accompt of Capt. *John Gray's* Charges at Fort *Mary*. The Committee are of Opinion, that the Sum of *l. 9 5* be allowed and paid out of the Publick Treasury to Capt. *John Gray*, in full Discharge of said Accompt. Said Capt. *Gray* appearing, and *William Graves* his Clerk before the Committee, declared upon Oath that Capt. *Gray* supplied the Articles therein. Read, Accepted and

Resolved, That the Sum of *l. 9 5* be allowed and paid out of the Publick Treasury, to Capt. *John Gray* in full discharge of his said Accompt.

Sent up for Concurrence.

On the Accompt of Lieutenant *Joseph Bane*, the Committee are of Opinion, that the Sum of *Four Pounds* be allowed and paid to him out of the Publick Treasury in full discharge of his Accompt. Read, Accepted and

Resolved, That the Sum of *Four Pounds* be allowed and paid out of the Publick Treasury to Lieutenant *Joseph Bane* in full Discharge of his said Accompt.

Sent up for Concurrence.

On the Muster Roll of the Sloop *George*, *John Stratton* Master; The Committee [35] having Examined it, find it right cast, and well vouched (saving an Article of 30 *s per Week*, which the Committee are humbly of Opinion ought to be reduced to 25 *s. per Week*, and that the Sum of *l. 157 10* be paid *John Stratton*, out of the Publick Treasury in full; they are further of Opinion, that the Sloop

George upon her next Arrival at the Port of *Boston* be discharged. And that when any Provision, Ammunition or Stores are to be sent to the Forces *Eastward*, Mr. *Treasurer* be desired to send them in the first suitable Coasting Vessel. Read, Accepted and Resolved, that the Sum of *One Hundred Fifty Seven Pounds Ten Shillings*, be allowed and paid out of the Publick Treasury to Capt. *John Stratton*, in full Discharge of his said Accompt.

Sent up for Concurrence.

On the Accompt of *Dominicus Jordan*, That the Sum of *l. 4 10* be allowed & paid to him out of the Publick Treasury, in full Discharge of his Accompt; which was Read, Accepted and

Resolved, That the Sum of *l. 4 10* be allowed and paid out of the Publick Treasury to Mr. *Dominicus Jordan*, in full Discharge of his said Accompt.

Sent up for Concurrence.

On the Accompt of Messieurs *Tayler* and *Temple*, amounting to *l. 3 18* The Committee are of Opinion, That *Forty Shillings* be allowed and paid to them out of the Publick Treasury in full of said Accompt. Read, Accepted and

Resolved, That the Sum of *l. 2* be allowed and paid out of the Publick Treasury to Mr. *Isaac Tayler*, and Mr. *Temple*, in full discharge of their Accompt.

Sent up for Concurrence.

On the Accompt of Mr. *John Pritchard*, The Committee are of opinion, that the Sum of *l. 2 7* be allowed and paid out of the Publick Treasury to Mr. *John Pritchard*, in full discharge of his said Accompt. Read, Accepted and

Resolved, That the Sum of *l. 2 7* be allowed and paid out of the Publick Treasury to Mr. *John Pritchard* in full discharge of his Accompt.

Sent up for Concurrence.

On the Accompt of *Nicholas Boone*, amounting to *l. 13 7 1*. The Committee are of opinion, that the Sum of *l. 11 14 1* be allowed and paid out of the Publick Treasury to *Nicholas Boone* the Accomptant, in full discharge of the within Accompt. Read, Accepted and

Resolved, That the Sum of *l. 11 14 1* be allowed and paid out of the Publick Treasury to Mr. *Nicholas Boone* in full discharge of the within Accompt.

Sent up for Concurrence.

On the Muster Roll of Capt. *Samuel Moody*, Reported, The Committee having Examined the within Muster Roll containing four sheets of Paper, find it to be just and right; the Sum being made evident by the Oaths of *Joseph Halwell* Sergeant, and *Henry Duren* Corporal, That the persons Entred in the said Roll attended their Duty from the time of their Entrance upon, to their Dismission from the Service. The said *Duren* also declaring upon Oath, that several of the Inhabitants of the County of *York* were desirous of Enlisting themselves in the room of some of the men, but were always denied by the Captain; The within Capt. *Samuel Moody* affirming also upon Oath, that the Men attended the Serv-

ice the whole time they stand Entred upon the Roll, and that he refused receiving the Inhabitants of the County aforesaid Entering into the Service. Therefore they are of opinion, That the Sum of *l.* 1322 15 8 be allowed and paid out of the Publick Treasury in full discharge of the Wages due to the Officers and Soldiers Entred upon the within Muster Roll. Read, Accepted and

Resolved, That the Sum of *l.* 1322 15 8 be allowed and paid out of the [36] Publick Treasury to the Officers and Soldiers Entred upon the said Muster Roll, in full discharge of their Wages due for the said time.

Sent up for Concurrence.

Nathaniel Knoulton from the Committee Reported; The Committee having perused the several Affidavits against Col. *Edmund Goff*, Capt. *Johnson Harman* and Lieutenant *Goddard*, are of Opinion, That they contrary to all reason and justice have procured from the Soldiers Blanks for their Discharge Signed by them, which Blanks intitle the Possessors to their Pay after the Muster Rolls are in the Treasurers Office; and the Commissioners Account of Slops are deducted out of the same; and that Capt. *Johnson Harman* hath received of *Philip Amyl* *l.* 6. of *David Burnum* a Gun of *l.* 3 value; and of *James Emery* a Gun & Blanket value *l.* 2 10 to discharge them from the Service. That Lieut. *Goddard* received from *Daniel Hastings* 40 *s.* to discharge him from the Service; and that his Company had not their allowance of Molasses; although the Committee find that on the 4th of *January*, when those Soldiers were Discharged, there was in store more than their full allowance 177 quarts; The Committee are further of opinion, that the Soldiers which signed Blanks shall be intituled to their full pay after the Muster Rolls are Lodged in the Treasurers Office, notwithstanding the Blank Signed by them to their Officers; and that the Officers return the Money, Guns, &c. received by them, to the Soldiers from whom they received them, or their value. That the Soldiers are, and shall be discharged from all Prosecutions as Deserters from their respective Officers. And that Lieut. *Goddard's* pay be stopped in the Treasurers Office, till he hath made good what Molasses hath been kept back from his Company. And are further of Opinion, That the Officers be at the Charge of the Hearing before this Court, and for any thing further. The Committee leave it to the Consideration of the House.

Nath. Knoulton, pro Committee.

Read, Accepted, and Sent up for Concurrence.

In the House of Representatives, *March 23. 1721.*

Resolved, That the taking of Money, Bills and Blanks, by any Officer from any of the Soldiers of this Province, as a Fee or Gratuity for releasing or exchanging them, is an illegal practice, very much to the dishonour of the Government, and hurt to the Service; And all Bills and Blanks that have been so taken on any such Account, on any Muster Roll yet to be passed and allowed, are hereby declared Null and Void. Sent up for Concurrence.

A Memorial Signed by sundry Soldiers lately under the Command of Captain *John Wainwright*, praying, That they may have their Pay allowed them, and that the Clerk of the Company may be Enabled to make up their Muster-Roll.

Read and Committed.

Voted, That Mr. Treasurer *Allen* be directed to Supply Castle *William* with Provisions for the Soldiers from this time forward, and that he be Enabled to appoint a Steward to deliver the same out to them.

Sent up for Concurrence.

A Petition Signed *Andrew Greely* and *Henry Ambros*, to inform the House how they were surprized and arrested by *Nathaniel Longfellow* of *Hampshire*, &c. and [37] praying an abatement of their Taxes, or some other Relief for their Sufferings.

Read and

Voted, That Capt. *Foot* and Capt. *Osgood* go up to the Board, and inquire what is passed on the Vote of this House; sent up the 16th instant, respecting *Andrew Greely*.

Jonathan Dowse Esqr. Brought down the Resolve of this House against the Officers *Eastward*. Which was Sent up for Concurrence. Passed on in Council with Amendment, and sent down for Concurrence.

Read and Concurred.

Sent up.

A Petition Signed *S. Bullard*, with four others Select men of the Town of *Sherbourn*, praying Advice in the present Difficulties of their Town. Passed on in Council, *March 23d. 1721. viz.* The Petitioners and Moderator of the Town of *Sherbourn*; and the Matters of Fact being fully proved.

Ordered, That a Town-Meeting of the Freeholders, and other Inhabitants of the Town of *Sherbourn* qualified, be held there on the First *Monday* of *April* next, for the Choice of Town Officers for the Year Ensuing; and that *Francis Fullum* Esqr be desired to be present at said Meeting, to take care that it be orderly managed; and that none other but such as are qualified by Law, Vote in the said Meeting; the Proceedings & Elections of a Meeting of the said Inhabitants on the 12th Instant being hereby Superseded and made Null and Void.

Sent down for Concurrence.

Read and Concurred.

Sent up.

Voted, That the House meet to Morrow Morning at 8 a Clock, and that Mr. *Epps* Go up and Acquaint his Excellency and the Council therewith.

A Muster-Roll of the Soldiers under the Command of *Samuel Thaxter* Esqr. and Col. *Edmond Goff*.

Read and Committed.

Voted, That the Representatives of the Town of *Boston*, be a Committee to Inquire after the Stores that were left by the Commissioners, that were sent to Treat with the *Indians* at *Arowsick*, and make their Report to the House at their *May* Sessions.

Jonathan Dows Esqr. Brought down a Bill, for the making a Tract of Land in

Rutland of 6 Mile square into a District, &c. Which was Read in Council and passed to be Engrossed.

Also a Vote in Council *March 22d 1721. Viz.*

Ordered, That the Tract of Land in *Rutland*, of 6 Mile square as mentioned in their Petition. Be and Hereby is made a District and separate Precinct, and the Free-Holders and Inhabitants thereof, be Invested with all the Powers, Privileges and Immunities that other Precincts within the Province have and do enjoy, for Settlement and Support of a Gospel Ministry within the same, and that they be and hereby are Enabled to Lay, Assess and Collect *Three-pence* an Acre *per Annum*, for the space of Two Years and an half from hence next Ensuing, on all the Improved and Unimproved Lands, whether Divided or Undivided within the 6 Mile [38] square, Except the Ministers, Ministry, School-Lotts, and the 220 Acres part of *Benjamin Willards* 900 Acres, belonging to the Honourable *Samuel Sewall* Esqr. And that the said Lands, be Subjected and made Lyable to the Payment of the same, in order to Defray the Charges aforesaid, and that the Petitioners have Liberty to bring in a Bill accordingly.

Sent down for Concurrence.

Read and Non-Concurred.

Sent up.

Spencer Phipps Esqr. Brought down a Petition of *Andrew Greely*, Passed on in this House the 16 Instant, and Sent up for Concurrence.

Passed on in Council,

Read and

Ordered, That the Petition be Referred to the next *May* Sessions of this Court (the Justices of the County of *Essex*, that are Members of this Court being absent.)

Sent down for Concurrence.

Josiah Willard Secretary.

Read and Nonconcurrent.

The Absence of any Member of the Honourable Board, ought not to prejudice the Right of any Subject.

John Turner Esqr. Brought down the Vote of this House, appointing Mr. *Treasurer Allen* to Provide Provisions for the Castle, &c.

Passed in Council, *viz.*

Read and Concurred with Amendment, *viz.*

The Steward to be Appointed by his Excellency the Governour.

Sent down for Concurrence.

Read, Non-concurred and Voted, That *John Larabe*, Quarter Gunner of the Castle be appointed Steward.

Sent up for Concurrence.

Then the House Adjourned till to Morrow Morning 8 a Clock.

Sabbati 24 Die Martii, 1721.

MR. *Cooke* from the Committee on the following Muster Rolls, &c. Reported, viz. On the Muster Roll of Fort *Mary*, Captain *John Gray* Commander. The Committee having Examined the same, find it right Cast up, and well Vouched by the Oaths of Captain *John Gray*, and Mr. *Graves*, Clerk, who declared after the several Names of the persons inserted in the Muster Roll were severally and distinctly Read over to them; that they, and each of them did severally attend the Service the whole time, for which they are inserted in the Roll. They are therefore of opinion, that the Sum of *l. 263 12 4* be allowed and paid out of the Publick Treasury, to discharge the Wages due to the Officers and Soldiers, as appears due to them by the Roll; and that the further Sum of *l. 63* be allowed and paid out of the Publick Treasury to *Samuel Jordan*, Interpreter, for his Service. Read, Accepted and [39]

Resolved, That the Sum of *l. 326 12 4* be allowed and paid out of the Publick Treasury to the Officers, Soldiers, &c. Entred on the said Muster-Roll, in full for their Wages due to the said time.

Sent up for Concurrence.

On the Muster Roll of the Company under the Command of Captain *Stephen Richardson*; The Committee having Examined the same, find it to be right cast, well Vouched, saving the Sum carried off to *George Harris*, *Daniel Reading*, *Josiah Webb*, *Joseph Searl*, *John Clark*, *Thomas Hughs*, *John Norris*, *Edward Jackson*, *David Southack*, *Joseph Skillings*, *John Wilkinson*, *James Coller*, *Thomas Skinner* and *Joseph Carlile*, in all 14, who by Order of Col. *Edmund Goff*, were taken out of this Company, and Removed to Lieut. *Joseph Heath's* at *Richmond*, Decemb. 23d last, and so ought not to stand charged in this Roll after that day. That therefore the Sum of *l. 1 2 10* be taken off from each of said persons, amounting in the whole to *l. 15 19 8* the aforesaid persons to be paid from that day, upon making up Lieut. *Heath's* Muster Roll; and that *Matthew Barnes & Collam Smith*, Inhabitants of *George Town*, being Enlisted as Soldiers in this Muster Roll, contrary to a Resolve of the General Court, their Wages amounting to *l. 14 7 1* be struck off; Capt. *Richardson*, and Lieut. *Henry Walters* declaring upon Oath the Removal of the 14 Men, and the place of Residence of the other two; and that the other persons named in the Muster Roll were actually in the Service, according to the time inserted. The Committee are therefore of opinion, that the Sum of *l. 531 15 9* only be allowed and paid out of the Publick Treasury to the Officers and Soldiers named in the Muster Roll, pursuant to this Report.

Read, Accepted and

Resolved, That the sum of *l. 531 15 9* only be allowed and paid out of the Publick Treasury to the Officers and Soldiers Entred upon the said Muster Roll, in full Discharge of their Wages.

Sent up for Concurrence.

On the Petition of *Matthew Perkins Junior*, of *Ipswich*; The Committee are of Opinion, That the Prayer of the Petition be granted. And that the Petitioner have liberty to bring in a Bill accordingly.

Read, Accepted, and sent up for Concurrence.

Voted, That *Mr. Osgood*, *Mr. Pomery*, and *Mr. Throop* be a Committee to prepare a Draught for the Officers of the Forces, to make up their Muster Roll twice a year, and present the same to the House.

A Message by *Mr. Secretary*, viz. *Mr. Speaker*, his Excellency having received a Representation from his Honour the Lieut. Governour, That he has received no more then *l. 50* since *May 1719*. for attending the Affairs of the Government in his Excellency's Absence. The Governour therefore thinks it proper to acquaint the House with His Majesties Instructions, being express that the Lieutenant Governour should have a Support suitable to his Commission.

The House considered the said Message, and the Question being put, *Whether any thing should be allowed to his Honour the Lieutenant Governour?*

It passed in the Negative.

Then the Question was put, *Whether any Sum shall be allowed to his Honour the Lieutenant Governour, for his readiness to Serve the Province?* And

It passed in the Negative. [40]

An Engrossed Bill, Intituled, *An Act, To Enable Hugh Hall of Barbadoes, to bring forward a Suit in Equity, &c.* Read and

Resolved, That the Bill do Pass to be Enacted.

Penn Townsend Esqr. Brought down the Report of the Committee on the *Eastern Affairs*. Passed on in Council, viz. Read and Concurred with this Amendment (That *Mr. Clarke* take his Excellencies Direction for the present to be sent *Col. Bomazine*.) Read and Concurred. Sent up.

Voted, That *Mr. Clarke*, *Mr. Knoulton*, and *Mr. Barker* be a Committee to prepare a Resolve for stating the Prices of such Necessaries as the Treasurer shall send to the Commissary for Supply of the Soldiers.

A Message by *Jonathan Dowse Esqr.* That his Excellency desires if the House have any thing ready to Send up they would send it, because the Board have nothing before them.

Voted, That the Muster Rolls that cannot be passed this day, shall be referred to the Second Week in the *May Sessions*.

A Petition Signed by 92 Inhabitants of the Town of *Ipswich*, Praying, That a Tract of Land Lying on the *East-side of Merrimack River*, about 6 mile square, may be Granted to them for a Township.

Read and Referred to the *May Sessions*, and Ordered, That the Petitioners be at the Charge of a Surveyor and Chain-men upon Oath, to Survey the Land, and return a Platt thereof to this Court at their *May Sessions*.

A Petition Signed *Thomas Baker*, praying, That if any Express be sent to *Can-*

ada, for recovery of the Captives; his Wife may have liberty to go with them, for reasons therein given. Read and Ordered, That the Prayer of the Petition be granted. Sent up.

Mr. *Cooke* from the Committee Reported.

On the Muster Roll Signed by Col. *Thaxter*, and Col. *Goff*, that they find it right Cast, and well Vouched (except the Article charged to *James Fly's* Credit for Service from *November 1721.* to *Febr. 27* following, amounting to *l. 8 8 6* he being a Ferry-man that frequently Ferry's over Soldiers, was the occasion of his being put on the Roll, which we submit to the House whether to allow it or not) *Thomas Richardson* Clerk to the said *Goff*, making Oath, the other Persons on the Roll were in actual Service as set down, and not of the Inhabitants of those parts, and are of Opinion, that the Sum of *l. 995 13 1* be allowed and paid out of the Publick Treasury in full discharge of the Wages due to the Officers and Soldiers as set forth in the Muster Roll. Read, Accepted.

Voted, That the *l. 8 8 6* be allowed to the said *James Fly, &c.*

Resolved, That the Sum of *l. 995 13 1* be allowed and paid out of the Publick Treasury to the Officers and Soldiers in said Company as is set forth in the Muster Roll, in full discharge of their Wages to that time.

Then the House Adjourned till Monday Two a Clock Afternoon.

V O T E S

Of the House of Representatives.

June 26 Die Martii. 1722.

A Petition Signed *Andrew Greely* and *Henry Ambrose*, which was Read the 23d Instant, and thereon a Message sent to the Honourable Board, to know what had Passed on his former Petition sent up the 16th Instant, were Read again debated on, &c.

Resolved, That the Sum of *l. 20* be Allowed and Paid out of the Publick Treasury to *Andrew Greely* and *Henry Ambrose*, to each of them *l. 10* in Answer to their Petition.

Sent up for Concurrence.

An Accompt Signed *Robert Elwel*, amounting to *l. 5 10* for looking after *Christopher Muzzy* a Soldier under the Command of Capt. *Gookin*.

Read and Committed.

Mr. *Cooke* from the Committee Reported on the Muster-Rolls and Accompts following.

On the Muster-Roll of the Company of Capt. *Francis Barker*, That they find it right cast and well Vouched (except *Joshua Meads*, who stands 6 Weeks longer on the Muster-Roll then he ought to do, as Capt. *Barker* acknowledged,) so that *l. 3* must be taken from his Credit, Capt. *Barker* Affirming upon Oath, That the several other Persons within named were in actual Service the time they are set down for, and that he Inlisted none of the Inhabitants in those parts, except two young men that were bound out a Voyage to Sea. The Committee are therefore of Opinion that the Sum of *l. 864 18 3* be Allowed and Paid out of the Publick Treasury, to discharge the Wages due to the Officers and Soldiers as contained in the within Roll. Read, Accepted and

Resolved, That the Sum of *l. 864 18 3* be Allowed & Paid out of the Publick Treasury, to the Officers and Soldiers in Capt. *Barkers* Company, as set forth in the Muster-Roll, in full discharge of their Wages to said time.

Sent up for Concurrence.

On the Muster-Roll of Castle *William*, under the Command of his Honour the Lieut. Governour, The Committee find it right cast and well Vouched, upon the Oath of Mr. *Obadiah Ayer*, as to the several Persons Entred on the Muster-Roll, that they have been in actual Service & duty as is therein Inserted. That therefore the Sum of *l. 463 14 7* be Allowed and Paid out the Publick Treasury, to discharge the Wages due to the Officers and Soldiers within mentioned.

Read, Accepted and

Resolved, That the Sum of *l. 463 14 7* be Allowed and Paid out of the

Publick Treasury, to the Officers and Soldiers at Castle *William*, as set forth in the Muster-Roll in full discharge of their Wages to said time.

Sent up for Concurrence. [42]

On the Muster-Roll of the Company under the Command of Capt. *Johnson Harman*. The Committee having Examined the same, find it right cast and well Vouched, (saving *John Peirpoints* being continued on the Roll to *Febuary* the 20th, when he left the Service *October* the 18th foregoing, so that *l. 17 8 7* ought to be deducted out of said *Peirpoints* Wages.) Capt. *Johnson Harman* making Oath that the several Persons mentioned in the Roll were in actual Service, and did duty the whole time they are said to be upon the Roll, and that he hath dismissed no Soldiers, that came from the *Western Towns*, and put the Inhabitants of the County of *York* in their Room. The Committee are therefore of Opinion, That the Sum of *l. 859 4 5* only be Allowed and Paid out of the Publick Treasury, in full discharge of Wages due to the Officers and Soldiers contained in the Roll. Read, Accepted and

Resolved, That the Sum of *l. 859 4 5* be Allowed and Paid out of the Publick Treasury, to the Officers and Soldiers in Capt. *Harmans* Company, as set forth in the Muster-Roll, in full discharge of their Wages to said time.

Sent up for Concurrence.

On Account of disbursements by Capt. *Samuel Moody*.

The Committee are of Opinion; That the First Article of *l. 9 15 0* Sloop hire, is Extravagant, and ought to be Reduced to *l. 5 10 0*. The

The Second Article of *l. 1 19 0* for Sloop Hire to *Brunswick*, to *l. 1 4 0* The Third Article of *l. 1 12 0* for the Master as Pilot, to *l. 1 8 4* & that the Province ought not to be charged any Sum for Store-house room. They are therefore of opinion, That the Sum of *l. 9 7 8* and no more ought to be Allowed and Paid out of the Publick Treasury to Capt. *Samuel Moody*, in full discharge of the within Account.

Read, Accepted and

Resolved, That the Sum of *l. 9 7 8* be Allowed and Paid out of the Publick Treasury, to Capt. *Samuel Moody* in full discharge of the said Account.

Sent up for Concurrence.

On the Account of disbursements per Capt. *Johnson Harman*.

That the Committee have Examined the same, and find it right cast and Vouched, Col. *Edmund Goff* and Mr. Commissary *Gooch*, Affirming to the Sloops being detained by reason of sudden Frost, They are therefore of opinion, That the Sum of *l. 33 3 0* be Allowed and Paid out of the Publick Treasury to Capt. *Johnson Harman*, to discharge the said Account.

Read, Accepted and

Resolved, That the Sum of *l. 33 3 0* be Allowed and Paid out of the Publick Treasury to Capt. *Johnson Harman*, in full discharge of his said Account.

Sent up for Concurrence.

On the Accompt of Doctor *Nathan Hale*,

The Committee are of opinion, that the Province ought not to be charged with it, but that it may lie open, for him to bring further Proofs to induce the payment of it. Read and Accepted. [43]

On the Accompt of *John Chandler* and *John Peirpont*.

The Committee are of Opinion, That the Province ought not to stand charged with that Debt, The Prisoner *Blin*, being by Law Obliged to Pay the same before he be discharged. Read and Accepted.

On the Accompt of Capt. *Stephen Richardson*,

The Committee are of Opinion, That the Sum of *l. 3 8 0* be Allowed and Paid out of the Publick Treasury, to the Accomptant to discharge the said Accompt. Read, Accepted and

Resolved, That the Sum of *l. 3 8 0* be Allowed and Paid out of the Publick Treasury, to Capt. *Stephen Richardson*, in full discharge of said Accompt.

Sent up for Concurrence.

On the Accompt of *Samuel Gookin Junior*.

The Committee are of Opinion, That the Sum of *l. 12 3 0* be Allowed him out of the Publick Treasury, for the Gaurds to Secure the *Indian* Hostages, and *l. 1 2 0* for Firewood and Candles to the Gaurds according to the order of this Court. Read, Accepted and

Resolved, That the Sum of *l. 13 5 0* be Allowed and Paid out of the Publick Treasury, to Mr. *Samuel Gookin*, for his charges on the *Indian* Hostages, in full discharge of his Accompt.

Sent up for Concurrence.

On the Accompt of Capt. *Francis Barker*.

The Committee are of Opinion, That the Sum of *l. 5 14 0* be Allowed him, out of the Publick Treasury, to discharge the said Accompt.

Read, Accepted and

Resolved, That the Sum of *l. 5 14 0* be Allowed and Paid out of the Publick Treasury, to Capt. *Francis Barker*, in full discharge of said Accompt.

Sent up for Concurrence.

The House being Informed, That Mr. *Treasurer's* Province Accompt for the last Year, was Signed by *Paul Dudley Esqr.* as Deputy Auditor.

Voted, That Mr. *Cooke*, Mr. *Pomery* and Mr. *Throop*, be a Committee to prepare a Resolve of this House, to prevent the like practice for the future, and Report the same to the House to morrow Morning.

Then the House Adjourned till to Morrow Morning 10 a Clock.

Martis 27 Die Martii, 1722.

In the House of Representatives, *March 27. 1722.*

THe Accompt of *Jeremiah Allen* Esqr. Treasurer and Receiver General of this Province, beginning *May, 31. 1720.* and continued to *May 31* following, being this Day Read in the House, and at the close of the Accompt [44] just below the allowance, approbation and discharge of the said Accompt, made and done by the Great & General Court, stands an Entry in the following words.

Boston, December 1. 1721. The before written Accompts of Mr. Treasurer *Allen*, for the Province of the *Massachusetts-Bay*, hath been perused and Examined, both as to Debt and Credit, in all the Articles and Vouchers thereof.

By me *Paul Dudley*, Dep. Auditor.

Now inasmuch as the Constituting and Appointing a Treasurer, or Receiver General for this Province, is without all Question well Vested in the General Court by the Royal Charter. For any one therefore to assume to himself a power of Perusing & Examining the Articles of Debt and Credit of the Receiver General's Accompt (excepting such as derive their Authority from the General Assembly) more especially after such Accompts have passed, and been allowed by the General Court, is a manifest Enoachment and Breach upon the Rights and Privileges of this Government. And it being the more peculiar Care of this House, to inquire into, and guard against all such Attempts.

Resolved, That the Treasurer or Receiver General for the time being, do not for the future subject the Publick Accompts of this Province, to be Perused, Examined or Audited, or any ways allowed by none but such as shall be impowered so to do by the General Assembly, as he tenders the utmost Displeasure of this House. And that Mr. Treasurer *Allen* be served with a Copy of this Vote, for his future Guidance in this Affair.

In the House of Representatives, *March 27. 1722.*

HIS Excellency the Governour having sent to the House, a Memorial from the Lieut. Governour and Council, of the Province of *New-Hampshire*, praying his Favour to Interpose his Endeavours that some Acts made here, relating to that Province, may be Repealed; in which are many groundless Reflections on the Honour and Justice of this Government, for imposing on them many unkind and unneighbourly Duties affecting their Trade, concluding with seeming Overtures of Accommodation. And inasmuch as this Government have at all times treated that Government in all respects with that Justice, Candor and good Neighbourhood as can or ought to be expected from one Government to another, that are under one and the same Crown; wherefore We His Majesties Loyal Subjects, the Representatives in General Court Assembled; hold it our bounden Duty, to obviate these Amusements, and make it conspicuous, that the Govern-

ment of *New-Hampshire* have not the least shadow or pretence for such unbecoming Imputations they would load this Government with, respecting that Affair. And in order thereto, their Memorial is here inserted, to be duly and impartially Considered; Which is as follows.

May it please your Excellency,

BEing given to understand, that the Passing a late Act here, Imposing a Duty on the Exportation of Lumber (tho' it was equally on our selves as on the other) was so illy resented by your Excellencies Government of the *Massachusetts*, as to occasion them by way of Reprisal, to add to the many Impositions they had formerly laid on us, more then on any of [45] Neighbouring Governments, a very severe and high Duty on all Provisions that shall be Exported from thence hither: Obliges us to Pray your Excellencies Favour, to Interpose your Endeavour; That those unkind and unneighbourly Acts Relating to this Province may be Repealed; That His Majesties Subjects of this Province, may be as Free from Impositions on Trade on this Government as they are in this, and by that means the seeming Misunderstanding may be removed, and a good Harmony restored and continued.

The former Impositions of Powder Money, double Light Money, and double Duties on Wine, &c. That shall be Imported there from this Province, was on pretence of an Act of Impost formerly made here, which was taken off so soon as complained of as a grievance to this Government, and it was expected that they would do the like so far as Related to this Government, and it was Solicited accordingly, but the Favour could not be obtained, and we have submitted to it hitherto. But the late Act Imposing such a Duty on the necessaries of Life (which is not practised by the *Turks* and *Barbarians* in the *Levant*, against the Christian Nations) is so severe a Greivance as occasions our utmost concern as insupportable.

Our said Act has been Suspended some time, and the General Assembly have Voted it intirely Repealed, in Case the *Massachusetts* Government, will Repeal their Acts Imposing Duties on this, more then is Paid by themselves or other Neighbouring Governments.

We are your Excellencies most Obedient Humble Servants.

Per Order of the Lieut. Governour and Council.

Richard Waldron Clerk, Council.

Province of *New-Hampshire*, 22d February 1721 2

To his Excellency Governour *Shute*, of *New-Hampshire* and the *Massachusetts*.

BY all which they would have it thought, that their late laying a Duty on Boards, was the sole Occasion of the Act of this Government so much complained of by them; when verily they cannot but know, that by virtue of a Law

or Custome among them, the Vessels belonging to this Province, passing up the River of *Piscataqua* to *Newichwannock* River belonging to this Government, for Boards and Lumber that both grow, and are Cut in the *Massachusetts*, are obliged to stop and pay to the Naval Officer of that Government, such Port Charges as they think fit to Exact & Demand from them; by which Imposition, altho' contrary to the Law of Nations, Justice and Equity, they have gotten from the Inhabitants of this Province, Trading and Going in and through our own Rivers; several *Thousands of Pounds*. Which unheard of Oppression they have been in the constant practice of for many years past, notwithstanding the known undoubted Right this Province hath to pass up and down the River *Piscataqua*, from the mouth thereof, to *Newichwannock* River, which this Government hold by force and virtue of a good, firm, absolute Grant from *Charles* the First, in the Fifteenth Year of his Reign; and Confirmed by the *Royal Charter* of King *William* and Queen *Mary* of Glorious Memory. All which this Government have from time to time made Publick in the most solemn manner; and more particularly at a Session of the General Court on the 25th of *May*, 1715. this Government asserted their Right in and to that River, to free their Inhabitants from those [46] Demands daily made upon them by the Naval Officer of that Government, but to no purpose. Further at a Session of the Court in *May* last past, grievous Complaint being made, that the Government of *New Hampshire* continued their unwarrantable Demands on our Vessels; It was Voted again to Assert & Maintain the Right in the River *Piscataqua*, and Resolved upon Erecting a Breast Work for six Guns to be planted in the Town of *Kittery*, for Defence of that River; And that it was for His Majesties Service that a Naval Officer should be kept in the Port of *Kittery*, to ease the Inhabitants of this Province from the afore mentioned Burthens. Soon after the ending of that Session, the Government of *New-Hampshire* not Contented with the great Sums of Money they had yearly out of this Province for nothing, make a very considerable Advance; and by an Act oblige the Inhabitants of this Province, that go up *Piscataqua* River to the Mills in the County of *York* for Boards, Plank or Lumber, to Transport the same to *Boston*, or else-where, to stop with their Vessels at *New Castle*, and not only pay Port Charges as aforesaid, but a Duty of *Two Shillings* a Thousand for Boards, &c. Boundless Avarice! The General Court being Informed of this at their Session *August* last, were necessitated to take some Effectual Method to clear the Trading Party from those Exorbitancies which no *English* Goverement in the Plantations, especially that had no more motive thereto than *New Hampshire*, would ever contrive to subject a Neighbouring Government under; much less pretend to Justifie such Proceedings as they vainly have done; What ever *Turks* or *Barbarians* in the *Levant*, might do. But being now justly fearful that this Government will no longer labour under such Severities, they Inform that their General Assembly have Passed a Vote for suspending their Act, and go on and declare they

have Voted it intirely Repealed, in case the *Massachusetts* will Repeal their Acts, &c. By which generous Offer they look upon themselves the injured persons. But let the Acts for light Money for paying Duties for Commodities brought from any place, being not the Growth thereof be looked into, and it will appear that the Inhabitants of *New Hampshire* Government pay no more than other His Majesties Subjects Trading here from Foreign Parts; and what the Inhabitants of this Place constantly pay, when they Trade to and with other Governments under the Crown of *Great Britain*. All these things considered, it is very unaccountable that the Government of *New Hampshire* should suggest, that what gave occasion or rise to these Acts; here was a Law Passed there some time since, Laying a Duty upon Boards, but when complained of, Repealed.

Were they really minded to come to a good Understanding and Restoring, and keeping up a good harmony, they would disclaim their imaginary sole Right to *Piscataqua* River, and no longer Enforce Port Charges from the Vessels of this Province, but freely suffer them to pass up and down the River; and take off the Duty upon all Lumber growing in this Province that happens to come down the afore-said River. And when that Government have so done, should this Government continue their Act, they might have a better shew or pretence for Complaint, but then of hardships only, and not of any Acts of Injustice or Wrong, as this Government often have, and now can of them sufficiently Evince the same.

Mr. *Cooke* from the Committee Reported on the following Accompts, &c. Viz. On the Muster-Roll of Capt. *John Penhallow*.

The Committee having Examined the within Muster-Roll, find it right cast and the several Persons Inlisted therein, were in the Service the time for which they were put down, and do not stand upon any other Muster-Roll, Col. *Goff* and Mr. Commissary *Gooch*, Affirming to the truth thereof, [47]

The Committee are of Opinion, That the Sum of *l.* 533 2 9 be Allowed and Paid out of the Publick Treasury, to Discharge the Wages due to the Officers and Soldiers, according to the within Roll,

Read, Accepted and

Resolved, That the Sum of *l.* 533 2 9 be Allowed and Paid out of the Publick Treasury, to the Officers and Soldiers in Capt. *John Penhallow's* Company, as set forth in the Muster-Roll, in full discharge of their Wages to said time.

Sent up for Concurrence.

An Accompt of *Robert Forester*, The Committee are of opinion, that the Sum of *l.* 5 17 9 be Allowed and Paid out of the Publick Treasury to *Robert Forester*, the Accomptant in full discharge of said Accompt.

Read, Accepted and

Resolved, That the Sum of *l.* 5 17 9 be Allowed and Paid out of the Publick Treasury to *Robert Forester*, in full discharge of his Accompt for Repairing the Province House. Sent up for Concurrence.

On the Petition of *Samuel Ashly*, for an Allowance to *John Dowe*, of *Albany*, &c. The Committee are of Opinion that it be Referred to the next Sessions.
Read and Accepted.

A Memorial of *Edward Winslow* Sheriff, &c. Read and Committed.

The Report of *Penn Townsend* Esqr. &c. a Committee appointed by this Court, *November* 7th past, to Receive of the Treasurer and Burn all unserviceable Bills of Credit, &c. Shewing, That they had Received of Mr. Treasurer *Allen*, the Sum of *l. 7584 7 6* which were Received from the Commissioners of the *l. 50000* Loan, and Burnt them to Ashes, was Read, And

Resolved, That the said Report be accepted, and that the Treasurer be discharged of the said Sum accordingly. Sent up for Concurrence.

Spencer Phipps Esqr. Brought down a Memorial Signed *John Nelson*, Shewing, That by consent of his Excellency the Governour, he had Supplied Monsieur *Casteen*, with Cloathing to the Value of *l. 22 12 6* and Praying that he may be Reimbursd the said Sum, which was Sent down from the Council Recommended. And

The Question being put, *Whether he should be Allowed the said Sum, out of the Publick Treasury.* It Passed in the Negative?

Mr. *Secretary* came and Informed the House, That Col. *Edmund Goff*, was Ordered by his Excellency the Governour, to go after the *Indian* Hostages, when they made their Escape from the Castle, according as he had mentioned in his Accompt of Charges, And withdrew.

Then the Question was put, *Whether the Sum of l. 10 9 8 be Allowed to Col. Edmund Goff, according to his Accompt.*

It Passed in the Negative. [48]

Mr. *Cooke* from the Committee, for Supply of the Treasury Reported,

That they having Examined the Accompt of Mr. Treasurer *Allen*, for Provisions, &c. Bought from *November* 1721. to *March* the first following, amounting to *l. 1492 5 4* they find it right Cast and well Vouched, and are humbly of Opinion, that the said Sum of *l. 1492 5 4* allowed and paid to him out of the Publick Treasury. Read, Accepted and

Resolved, That the Sum of *l. 1492 5 4* be allowed & paid out of the Publick Treasury to *Jeremiah Allen* Esqr. Treasurer, in full discharge of said Accompt.
Sent up for Concurrence.

An Accompt Signed *Thomas Thompson*, amounting to *l. 15 2 11* Expended by the Committee, & the Sum of *Five Pounds* for the Use of this House.

Read and

Resolved, That the Sum of *Twenty Pounds Two Shillings Eleven Pence* be allowed and paid out of the Publick Treasury to Mr. *Thomas Thompson*, in full Discharge of his Accompt.

Sent up for Concurrence.

Mr. *Nathaniel Knoulton* presented an Account of Money Expended by the Soldiers, &c. in Prosecuting their Officers, viz.

To 11 Soldiers Expence to and from the General Court.	6	6
To Ditto Coming from <i>Ipswich, Rowley, Woburn, &c.</i>	3	6
To 4 Soldiers attending the Second Day of Hearing.	1	4
To <i>James Emery</i> from <i>Haverhill</i> , and Subsistence.	1	0
To <i>Jonathan Chandler</i> and <i>Hastings</i>		10
To Writing their Petitions, &c.	1	10
To Sheriff <i>Dennison</i> for Summoning them.	1	10
To 2 Soldiers two days from <i>Weymouth</i>	1	00
	16	6

Resolved, That there be allowed and paid out of the Publick Treasury to Mr. *Nathaniel Knoulton*, the Sum of *l. 16 6* to discharge the said Accounts, & that Mr. Treasurer *Allen* be directed to stop the said Sum out of the Pay due to Col. *Edmund Goff*, Captain *Johnson Harman*, and Lieut. *John Goddard*, in equal proportion; and that he stop out of Capt. *Harman's* Pay for *Philip Amy* of *Ipswich*, *l. 6* for *David Burnam* *l. 3* for *James Emery* *l. 2 10* and out of Lieut. *Goddard's* Pay for *Daniel Hastings* *l. 2* which several Sums are to be paid to Mr. *Nathaniel Knoulton*, for their Use.

Sent up for Concurrence.

An Account Signed *Benjamin Rolph*, amounting to *l. 3 4* for Writing Laws, &c.

Also an Account Signed *Samuel Gookin* Sheriff, amounting to *l. 6 12 7* for Expence on the Hostages *l. 18 15 6* for Sentinals to Watch them.

Both Read and Committed.

An Account Signed *Charles Chambers*, amounting to *l. 9 18 6* for Repairing the Goal in *Cambridge*, by Order of the House. Read and

Resolved, That the Sum of *l. 4 19 3*. be allowed and paid out of the Publick Treasury to *Charles Chambers* Esqr. (it being the Province part of said Chrg) in full Discharge of the said Account.

Sent up for Concurrence.

An Account Signed *John Flagg*, amounting to *l. 2 11* for his Charges & Expence in Attending the General Court. Read and [49]

Resolved, That the Sum of *l. 2 11* be allowed and paid out of the Publick Treasury, to *John Flagg*, Door Keeper, in full Discharge of his said Account.

Sent up for Concurrence.

Resolved, That the Sum of *l. 3 4* be allowed and paid out of the Publick Treasury to *James Clark* for 16 Days Attendance on the General Court.

Sent up for Concurrence.

A Petition Signed *Thomas Baker* and *Christian Baker*, praying, that they may have some allowance granted to Enable them to go to *Canada* to Recover her Children there. Read and

Resolved, That the Sum of *l. 20* be allowed and paid out of the Publick Treasury to *Christian Baker*, for the Reasons alleadged in her Petition.

Sent up for Concurrence.

Thomas Hutchinson Esqr. Brought down the Muster Roll, Signed by *Col. Thaxter* and *Col. Goff*. Passed on in Council, *viz.* Read and Concurred all except *l. 7 15* to *Col. Thaxter* as Captain, and *l. 45 15* to *Col. Goff* as Captain. The Allowance of Colonel and Captain having never been made to one and the same person. Sent down for Concurrence. Read and Concurred.

Sent up.

Jonathan Douse Esq. Brought down the Petition of *Andrew Greely*, and *Henry Ambross*. Passed on in Council, *viz.* Read and Referred to the next Session, there being no proof before the Board, of the of Matter Fact.

Sent down for Concurrence. Read and Concurred.

Mr. Cooke from the Committee Reported on the Accompt of *Robert Elwell*, that the Sum of *l. 5 10* be paid out of the Publick Treasury to *Daniel Gookin*, in full Discharge of said Accompt. Read, Accepted and

Resolved, That the Sum of *l. 5 10* be allowed and paid out of the Publick Treasury to *Capt. Daniel Gookin*, in full Discharge of the said Accompt.

Sent up for Concurrence.

On the Accompt of *Doctor George Pemberton*, The Committee are of Opinion, That the Sum of *l. 90* be Allowed out of the Publick Treasury to *Doctor George Pemberton*, in full discharge of his said Accompt.

Read, Accepted and

Resolved, That the Sum of *l. 90* be Allowed and Paid out of the Publick Treasury, to *Doctor George Pemberton*, in full discharge of his Accompt of Medecines and Attendance on the Castle Soldiers.

Sent up for Concurrence.

Mr. Treasurer Allen, Proposed a Question to the Court, *Viz.*

That whereas in the Act, for Erecting a Powder-House, there are sundry Savings, for Powder to be lodged in other places besides the Powder-House.

Whether, that Saving does not belong to all Gun-Powder belonging to the Province, at all times and in all Places, not to be lyable to Confiscation. [50]

Resolved in the Affirmative, & that it is to be constured for all Powder, removed by order of the Governour and Council, for the use of the Province.

Sent up for Concurrence.

Mr. Cooke from the Committee Reported.

On *Mr. Sheriff Gookins* Accompt, for Expence on *Monsieur Casteen*, and the Hostages. That it be Referred to the next Sessions.

Read and Accepted,

On the Memorial of *Mr. Sheriff Winslow*.

The Committee are of Opinion, That tho' there be no Act directing the pay-

ment of the several Sums Charged by Mr. Sheriff *Winslow*, yet inasmuch as it was of Publick Service that the Work was done, there ought to be a reasonable Allowance made him therefor, out of the Publick Treasury, viz.

For sending the Journals,	l. 7 10 0
For his care in Repairing the Province House,	l. 6 0 0
For sending Expresses.	l. 3 0 0

And on his Accompt for sending Proclamations, Tax Bills to the several Counties, Writs and Precepts, Excise Acts and Laws. Amounting to l. 43 14 0 That there be Allowed only, l. 25 0 0

On his other Accompt Amounting to l. 21 9 9 That there be Allowed only, l. 10 0 0

L. 51 10

Resolved, That the Sum l. 51 10 0 be Allowed and Paid out of the Publick Treasury, to *Edward Winslow*, Esqr. to discharge his Accompts &c. to this time. Sent up for Concurrence.

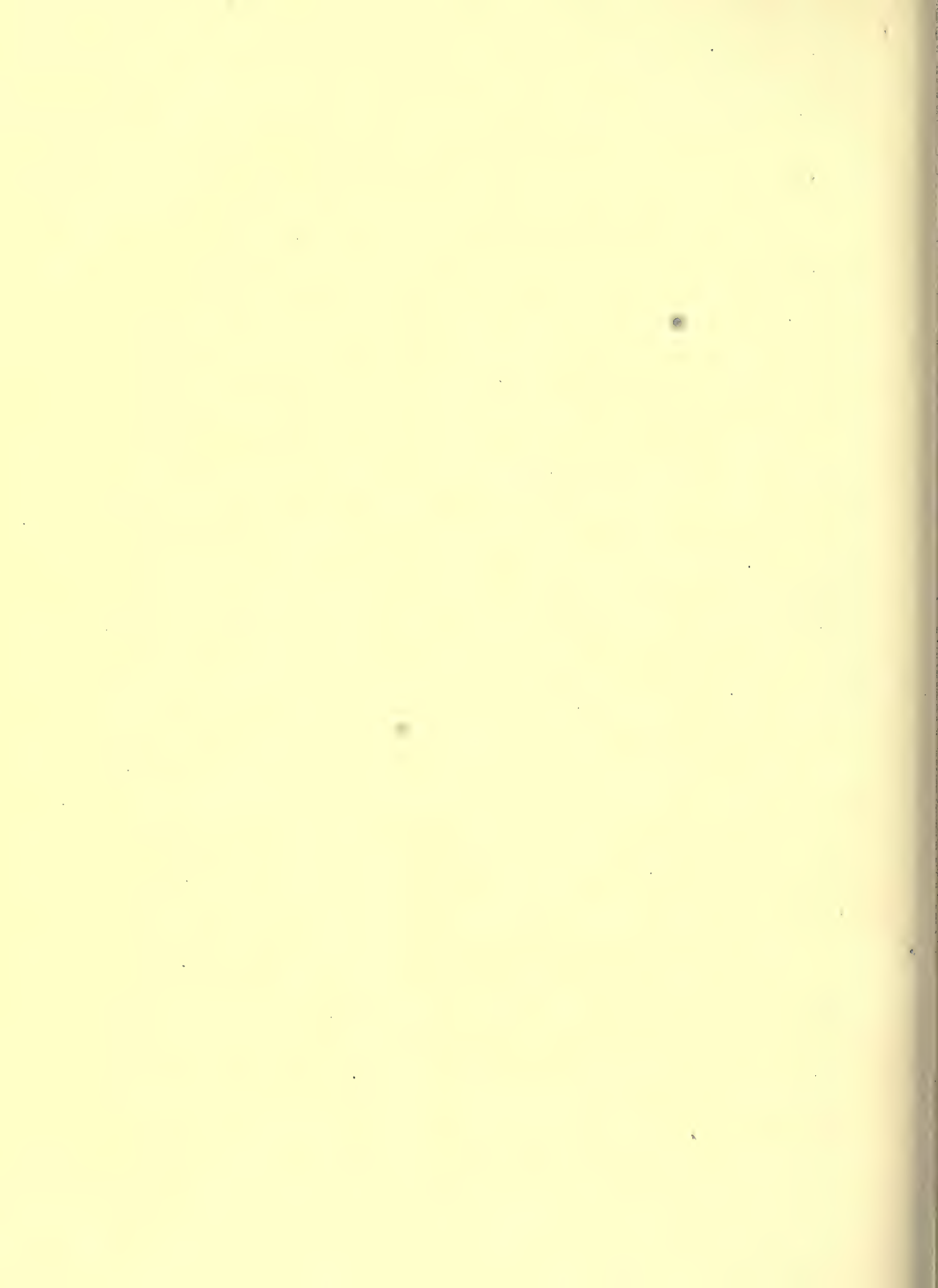
The House proceeded to take an Account of the Absent Members, &c.

A Message by *William Tailer*, *Thomas Fitch*, *Edmund Quincey* Esqrs. & Mr. *Secretary*, Who Informed the House, That it was his Excellencies Pleasure, That the Great and General, Court should be Prorogued to Wednesday the 18th of *April* next, And it is accordingly Prorogued.¹

Boston, Printed by **Nicholas Boone**, Printer to the Honourable House of Representatives. 1722.

¹ On April 14 the Governor issued a proclamation dissolving the General Court.

Index



Index

- Abemahawke, 68.
 Abemunges, 152, 158.
 Abenakis, 108, 190, 192.
 Aben Haymen, 191.
 Abington, representatives, 106.
 Abjuration, oaths of, 3, 85.
 Abraham, Samuel, petition, 140.
 Adams, Henry, 94; member for Medfield, 3, 86;
 Dorchester lands, 42.
 Adjournment of House, governor on, 75; house
 on, 77, 79, 88, 101.
 Advertisements, disallowed, 183.
 Affairs, private, postponed, 137.
 Ahouse-tonic River, 13.
 Albany, N.Y., 184.
 Alden, John, *captain*, 65, 103, 127; member for
 Duxbury, 4, 86.
 Algonquins, 111.
 Allen, —, *Dr.*, 76.
 Allen, Ebenezer, 193.
 Allen, Jeremiah, treasurer, 22, 25, 49, 211; ac-
 counts, 10, 11, 24, 29, 41, 48, 57, 142, 164, 206,
 211; memorial, 13, 16; election, 33; accounts
 eastern expedition, 119, 121; instruction on
 bills of credit, 119; instructions, 121, 125, 128,
 131, 212; Arrowsick accounts, 125; allowance,
 127; to report, 137, 138; state of treasury, 163;
 Castle William, 199, 200; Dudley's examina-
 tion, 206, 207; powder house, 213.
 Allowance to members, 33; in general, 46, 51, 68,
 71, 74, 99, 126, 127.
 Ambrose, Henry, 96, 199, 204, 213.
 Ambross, William, petition, 184.
 Amesbury, 129, 169; representatives, 3, 86.
 Amisanara, 152, 158.
 Ammunition, for eastern expedition, 128.
 Amy, Philip, charge against officer, 171, 198, 212.
 Andover, representatives, 3, 86.
 Angier, Edmund, account, 154.
 Anmoukangan River, 109.
 Annafiarkanti, 111.
 Annamatchim, 191.
 Antaravrin, 191.
 Antirvir, 191.
 Appleton, John, *colonel*, 37, 88, 121, 123, 147,
 155, 179; councillor, 5; New Hampshire, 46,
 112; treasurer, 114; account, 167, 185.
 Arbitration, settling controversies by, 37.
 Aresaguntacook, Indians, 62.
 Arrowsick, 60, 61, 139, 156; Indians at, 89, 103,
 107, 108, 117, 118, 143, 152, 176, 188, 194; ac-
 counts, 101, 102, 103, 112, 114, 125, 146, 154;
 French at, 104, 188; sloop *Dove*, 126; stores,
 131, 199.
 Asgood, Christopher, *see* Osgood.
 Ashe, Edward, 91.
 Ashly, Ezekiel, of Northampton, petition, 193.
 Ashley, Samuel, member for Westfield, 3, 86;
 petition, 184, 211.
 Assembly, general, records of, 33, 35.
 Assirmirkangon River, 109.
 Attleborough, representatives, 4, 86.
 Attorney general, election, 33, 111, 118, 119, 120;
 Newton's allowance, 48; negated by gover-
 nor, 120. *See* John Read.
 Attousetonick River, 193, 194.
 Austin, Ebenezer, 20, 50, 53, 73, 103, 119, 170;
 member for Charlestown, 3, 86; burning bills
 of credit, 36; Paul Dudley, 64, 65; Indian host-
 ages, 67; reply to governor, 93; New Hamp-
 shire, 167.
 Austin, John, petition, 13.
 Ayer, Obadiah, 204.
 Ayres, Joseph, of Brookfield, petition, 28.
 Bacon, Isaac, 126, 132.
 Bailey, Joshua, petition, 22.
 Baker, Christian, petition, 212.
 Baker, Thomas, petition, 202, 212.
 Balcom, John, of Sudbury, petition, 166.
 Bane, Joseph, account, 196.
 Bane, Lewis, account, 185.
 Bant, Mathias, *captain*, sent prisoner to Barba-
 does, 61, 75.
 Barbadoes, 61, 75, 181, 202.
 Barker, Francis, *captain*, soldiers' release, 170, 171.
 Barker, Francis, 95, 183; member for Pembroke,
 4, 86; muster-roll, 195, 204; prices of soldiers'
 supplies, 202; account, 206.
 Barker, Thomas, *captain*, commissioner of excise,
 Plymouth county, 95.
 Barnard, John, 55, 56.
 Barnard, Samuel, 58; member for Deerfield, 3;
 excise commissioner, 34.
 Barnes, Matthew, 201.
 Barnet, James, petition, 48.
 Barnstable, representatives, 4, 86.
 Barnstable county, treasurer's account, 30; ex-
 cise commissioner, 34.
 Barrett, James, petition, 114.
 Barrington, representations, 13, 106; land, 13;
 petition, 15; taxes, 26.
 Basancourt, *see* Besancourt.
 Bean, Joseph, interpreter, 29; account, 185.
 Beaver, skins of, 59, 60, 61, 68.
 Bégon [printed Neyon and Nyon], Claude
 Michel, 188; letter, 189.
 Bellingham, petition, 21.
 Bells at funerals, 125, 127.
 Bennet, John, member for Middleborough, 4.
 Bennett, Benjamin, petition, 170; charge against
 officer, 171.
 Benning, John, petition, 101.
 Berwick, 31, 42, 157; representatives, 4, 86; har-
 bor, 20; logs, 174.
 Besancourt [Beancour], 190, 191.
 Bevene, —, 184.
 Beverly, representatives, 3, 86.

- Bicknel, Zechary, member for Barrington, 13; petition, 23, 174.
- Biddeford, representatives, 4, 86; ministry in, 14.
- Bill, Richard, 183.
- Billerica, representatives, 3, 86.
- Billings, John, *captain*, petition, 23, 28.
- Bills, royal approval, 21.
- Bills of credit, instructions, 8, 9, 15, 16, 17, 20; counterfeit, 14, 71, 172; emissions, 23, 32, 34, 45, 52, 55, 56, 57, 59, 60, 63, 140, 145; burning of, 36, 141, 211; defaced, in Connecticut, 48, 50; towns to take proportion, 119, 125; highest denomination, 135.
- Bird island, 75, 108.
- Bladen, Martin, 91.
- Blake, Jonathan, of Dorchester, 167, 175, 179.
- Blankets, 112.
- Blin, John, 18, 22, 24, 36, 186, 206.
- Blodget, Thomas, member for Lexington, 3.
- Board, messages on the, 75.
- Boards, duties on, 138, 208.
- Bolton, Duke of, *see* Paulet.
- Bomazeen, present, 195, 202.
- Bonds of excise commissioners, 48, 51; licences, 114.
- Bonney, —, 171.
- Boone, Nicholas, account, 115, 121, 197; printing votes, 144.
- Boston, representatives, 3, 86; smallpox, 5, 87, 90, 125, 136, 147; prison-keeper, 18; licences, 55; George Tavern, 87, 92, 160; military companies, 125; house of correction, 167.
- Bowman, Francis, 136; member for Lexington, 86; Sudbury meeting-house, 184.
- Boxford, representatives, 3, 86.
- Boynton, David, charge against officer, 171.
- Bradford, representatives, 3, 86.
- Braintree, representatives, 3, 86.
- Brentnal, Samuel, *captain*, member for Norton, 4, 86.
- Brewer, Nathaniel, petition, 23, 174, 193, 194, 195.
- Brid island, *see* Bird island.
- Bridgewater, representatives, 4, 86.
- Brimfield, petition, 18, 24, 25.
- Briscoe, Robert, *lieut.*, member for Beverly, 86; New Hampshire taxes, 96.
- Bristol, representatives, 4, 85, 86, 87, 114.
- Bristol county, 180; treasurer's account, 16; excise commissioner, 34, 93, 95, 96, 104, 105.
- Bromfield, Edward, 54, 108, 178; councillor, 5.
- Brookfield, 27; representatives, 3, 86; scouts, 129, 143.
- Brookline, return objected to, 6; precept of election, 10; representatives, 18, 86.
- Brown, —, 68.
- Brown, Edmund, petition, 12.
- Brown, George, 166, 169, 185; member for Billerica, 86.
- Brown, John, account, 138.
- Brown, Samuel, councillor, 5; account, 169, 186.
- Brunswick, 205; Fort George, 77, 142.
- Bryant, William, 73, 90, 133, 146, 154; member for Reading, 3, 86; absence excused, 32.
- Buckminster, Joseph, *colonel*, 53, 64, 87, 89, 92, 95, 102, 103; member for Framingham, 3, 86; Merrimack survey, 15; Drury petition, 21, 113; account, 112.
- Bucknan, Joseph, petition, 48, 114.
- Bullard, S., petition, 199.
- Bunker, George, member for Sherburn on Nantucket, 4, 86.
- Burnum, David, charge against officer, 171, 198, 212.
- Burrill, John, 41, 59, 67, 69, 124, 145; councillor, 5; Quakers, 28; Dorchester lands, 42; New Hampshire, 112.
- Busbe, William, charge against officer, 171.
- Byfield, Nathaniel, councillor, 5; rejected by governor, 7.
- Cabot, Thomas, account, 133.
- Cambridge, representatives, 3, 11, 86, 174; adjournment to, 5, 7, 85, 87, 88, 90, 92, 93, 136; precept to elect, 7; Indian hostages, 138, 142, 143, 147, 193; jail, 142, 147, 212; smallpox, 146, 154, 162; courts, 154.
- Came, Samuel, 53, 139, 146, 153, 159, 174; member for York, 4, 86; scouts, 17; eastern settlements, 18, 94; excused, 56; account, 186.
- Campbell, John, account, 183.
- Canada, captives in, 123, 124, 203, 212; governor, 188.
- Canterbury, Archbishop of, *see* William Wake.
- Cape Breton, 39.
- Capon, Edward, petition, 28.
- Capon, Samuel, petition, 28.
- Captives, exchanges, 184; recovery, 203, 212.
- Carlile, Joseph, 201.
- Carrier, Richard, 169.
- Carteret, John, 115.
- Castine, *see* St. Castine.
- Castle Island, repair of, 126.
- Castle William, muster-rolls, 71, 73, 175, 181, 204; victualling, 73, 199, 200; Indian hostages, 120, 130, 131, 138, 143, 145; smallpox, 138; steward, 200; medical attendance, 213.
- Cavendish, William, Duke of Devonshire, 9.
- Center, Andrew, charge against officer, 171.
- Chadbourne, Joseph, 27, 30, 50, 51.
- Chambers, Charles, 212.
- Chandler, John, 4, 5; member for Woodstock, unseated, 6; petition, 13; account, 186, 206.
- Chandler, Jonathan, 212.
- Chapman, Nathaniel, charge against officer, 177.
- Charges of government, means for meeting, 11, 20; contingent, 56, 57, 59, 60, 63.
- Charles I, grant, 19.
- Charlestown, representatives, 3, 86; petition of inhabitants, 48, 114; courts, 148, 153, 173; smallpox, 148.
- Charter, royal, abridgment of, 6.
- Chatham, representatives, 106.
- Checkley, Anthony, 181.

- Checkley, John, petition, 14.
 Checkley, Samuel, treasurer Suffolk county, account, 31, 46, 65.
 Chelmsford, representatives, 3, 86; petition, 14.
 Chetwynd, J., 91.
 Chilmark, representatives, 4.
 Clark, James, 212.
 Clark, John, 201.
 Clark, Thomas, member for Harwich, 4; absence excused, 16.
 Clarke, Abigail, petition, 154.
 Clarke, James, account, 111, 157.
 Clarke, John, member for Boston, 3, 86, 101, 135; speaker, 3, 80, 87, 97; election as speaker, 4, 86; destruction of bills of credit, 36; Indian hostages, 67.
 Clarke, Timothy, 75.
 Clarke, William, 4, 6, 7, 22, 34, 41, 48, 52, 58, 76, 101, 120, 121, 132, 134, 137, 138, 144, 151, 153, 157, 160, 162, 169, 183, 185; member for Boston, 3, 86; treasurer's accounts 11, 16, 24, 29, 35, 138, 142; governor's speech, 31; Willard's account, 33; civil officers, 33; burning bills of credit, 36; Dummer's removal, 51; contingent charges, 56; Paul Dudley, 64, 65, 66; affront to House, 66; Indian hostages, 67; quarantine, 70; reply to governor, 70, 93, 116; muster-rolls, 71, 73, 77, 108; New Hampshire taxes, 96; Arrowsick accounts, 101; levying soldiers, 108; eastern expedition, 119; on New Hampshire duties, 137, 139; accounts, 154; supply of treasury, 163; New Hampshire, 167; lighthouse boat, 183; muster-rolls, 183; soldiers' complaints, 184; Bomazeen's present, 195, 202; prices of soldiers' supplies, 202.
 Clerk of House, election of William Payne, 4, 87.
 Clough, Ebenezer, 41.
 Cocheco, Indians at, 94.
 Coffin, Enoch, member for Edgartown, 4; hospital accounts, 37.
 Coffin, John, Nantucket excise commissioner, 34.
 Coffin, Nathaniel, 4, 50, 52; member for Newbury, 3; treasurer's accounts, 11; New Hampshire imposition, 13; Lords-Day, 28; Dummer's letters, 41; removal, 51; contingent charges, 57; muster-rolls, 71; reply to governor, 79.
 Collier, James, 201.
 Commissioners, Lords, trade and plantations, instruction to governor, 91.
 Comstock, Samuel, 36, 166.
 Concord, 169; representatives, 3, 86; petition, 14, 113, 164; courts, 148, 173.
 Connecticut, boundary line, 18, 24; defaced bills of credit, 48, 50; repayment of advance, 50.
 Connecticut River, 20.
 Contingencies, *see* charges.
 Cooke, Elisha, 4, 12, 18, 22, 24, 26, 27, 37, 66, 76, 80, 185, 196, 203, 210, 211, 213; member for Boston, 3, 86; petitions, 8, 35, 166; Hollis donation, 11; New Hampshire imposition, 13, 19; instructions, 15; logs, 30, 31, 32; governor's speech, 31, 38; Willard's account, 33; burning bills of credit, 36; bill on arbitration, 37; Dorchester lands, 42; Salisbury taxes, 42, 43; excise bonds, 48; defaced bills, 48; Dummer's removal, 51, 52; supply of treasury, 56, 57; contingent charges, 56; reply to council, 58, 60; governor's delay, 67, 105; Indian hostages, 67; quarantine, 70; reply to governor 70, 77, 79, 93, 96, 105, 116, 132; muster-rolls, 71, 183; removal to Cambridge, 85, 87; speaker *pro tem.*, 91, 103, 137; eastern settlements, 94; New Hampshire taxes, 96; report, 120; Indian trade, 123; agent of House, 129; forces at the eastward, 148; reply to council, 156; supply of treasury, 163, 176; New Hampshire, 168; French and Indians, 176; smallpox by inoculation, 178; trial of Castine, 178; muster-rolls, 201, 203, 204; Dudley and treasurer, 206.
 Cooper, John, 73.
 Cotton, Josiah, 92, 95, 103, 137, 146, 149, 156, 157; removal to Cambridge, 85; member for Plymouth, 86; accounts, 154.
 Council, governor's, on Dummer, 53; calling, 61; in general court, 61, 65; message for, 87; message to House, 148; on supply of treasury, 155.
 Council of regency, lords justices, 9.
 Councillors, election, 4, 5, 6, 7; irregular report, 6.
 Counties, returns of, 85.
 Court, general, adjournment, 58, 69; councillors, number of, 61, 65; dissolved, 80; Cambridge, 5, 7, 85, 87; power to remove, 116, 121, 125; prorogued, 135; one session a day, 163, 164; treasurer's accounts, 207.
 Court of General Sessions, removal from York, 13; from Boston, 36, 37; to Roxbury, 41, 43, 153; adjourned, 89; to Concord, 148, 154, 173.
 Craggs, James, 9.
 Culling of fish, law disallowed, 115.
 Cuntacook River, 10, 15, 175.
 Curtis, Ephraim, petition, 177.
 Curtis, Joseph, of Kittery, excise commissioner, 26, 27, 49.
 Cushing, James, member for Scituate, 4, 86.
 Cushing, John, 18, 41, 59, 67, 88, 89, 93, 105, 128, 185, 193, 194, 195; councillor, 5; Dorchester lands, 42, 130.
 Cushman, Job, account, 103, 112.
 Darsikantigou, 111.
 Dartmouth, representatives, 4, 86.
 Dauauouinak, 111.
 Davenport, —, *captain*, 25.
 Davenport, Addington, 50, 51, 56, 61, 85, 148, 150, 155, 167, 176, 185; councillor, 5; supply of treasury, 55, 58; trade with France, 70; index to laws, 175.
 Davenport, J., member for Little Compton, 4.
 Davenport, Richard, 35, 53, 58, 60, 65, 71; member for Bridgewater, 4; defaced bills, 48; affront to House, 66.
 Davis, Simon, *captain*, member for Bristol, 86; unseated, 85, 87.

- Day of prayer and humiliation, 32, 34, 35, 36.
 Death, John, member for Sherborn, 3, 86; attendance excused, 46; Sherborn lands, 176.
 Declaration, subscription to, 3, 85.
 De Croisil, 189.
 Dedham, 129; representatives, 3, 86.
 Deerfield, 170; representatives, 3, 106.
 Dekoupahang, 111.
 Delafaye, Charles, 9.
 Dennet, John, 28, 90, 95, 96, 159, 174; member for Kittery, 4, 86; account, 186.
 Dennison, John, account, 167, 212.
 Dexter, John, *captain*, member for Malden, 3.
 Dickinson, John, 65; member for Hatfield, 3.
 Differences, bill for determining, 51.
 Dighton, representatives, 4, 86; line with Taunton, 196.
 Dike, Rowland, petition, 172, 184.
 Divinity, professor of, Harvard College, 11.
 Dominique, Paul, 91.
 Dorchester, 21, 129, 177; representatives, 3, 86; iron ore, 23, 174; common land, 23, 25, 26, 37, 42, 44, 179, 193, 194, 195; report, 130; new grant, 130.
 Dorrill, John, 29.
 Dove, sloop, 126.
 Dowe, Jonas, of Albany, 184.
 Dowse, Jonathan, 37, 55, 58, 70, 128, 147, 199, 202, 213; councillor, 5.
 Dracut, representatives, 86; scouts, 129.
 Drury, Thomas, Jr., of Framingham, petition, 18, 21, 113, 178.
 Dudley, Joseph, 72.
 Dudley, Paul, 51, 146, 194; councillor, 5; supply of treasury, 55; qualification questioned, 64, 65, 66; unseated, 66, 67; trade with France, 70; index to laws, 175; trial of Castine, 178; Sudbury meeting-house, 183; treasurer's accounts, 206, 207.
 Dudley, William, 4, 5, 6, 7, 18, 22, 23, 25, 48, 53, 54, 78; member for Roxbury, 3; Hollis donation, 11; New Hampshire imposition, 13; frontier survey, 13, 20; instructions, 15; lands sold, 27; Lords-Day, 28; Quakers, 28; civil officers, 33; excise bonds, 48; defaced bills, 48; supply of treasury, 56; quarantine, 70; reply to governor, 70, 79; excise commissioner, 105.
 Dukes county, excise commissioner, 34.
 Dummer, Jeremiah, agent, 71, 105; letters, 33, 36, 41, 44, 138; allowance, 44; removal from agency, 44, 48, 51, 52, 53, 54.
 Dummer, William, lieutenant governor, 73; allowance, 127, 160, 202; muster-roll, 204.
 Dunstable, 15, 51, 175, 186; representatives, 106; scouts, 129.
 Dunton, John, petition, 177.
 Duren, Henry, 197.
 Durrill, Thomas, 61, 75.
 Duties, collection of, 113, 114, 118.
 Duxbury, representatives, 4, 86.
 Dwight, Henry, 170; account, 41.
 Dyer, Gyles, 55, 56.
 Dyer, John, treasurer of Plymouth County, account, 16.
 Eames, Jonathan, member for Marshfield, 4, 86.
 Eames, Nathaniel, of Framingham, petition, 35.
 Eastern parts, scouts, 16, 17; committee on settlements, 18, 94, 102, 107; letters, 71; Indians, 89, 106, 117, 164; forces, 94, 148, 149, 150; expedition accounts, 119, 121; provisions, 128; protection, 140, 152, 178; account of 173; Hutchinson petition, 178, 195.
 Eastham, representatives, 4, 86.
 Edgartown, representatives, 4, 86.
 Elections, governor's powers, 91.
 Eliot, Benjamin, accounts, 154, 156, 172; laws, 175.
 Eliot, John, 26.
 Ellis, Joseph, member for Dedham, 3, 86.
 Elwel, Robert, account, 204, 213.
 Emery, James, 198, 212.
 Enfield, representatives, 11, 106; precept, 31.
 Epps, Daniel, 4, 18, 23, 27, 46, 64, 73, 76, 79, 101, 162, 163, 168, 180, 185, 199; member for Salem, 3, 86; Essex excise commissioner, 33; counterfeit bills, 71; French and Indians, 176.
 Erratum, 178.
 Essex, county, 22; petition of inhabitants, 10, 15; treasurer, 114.
 Excise, bill for, 10, 11, 16, 18, 22, 27, 59, 74, 134; York county, 22, 25, 26, 27, 34; Suffolk, 33, 93, 95, 96, 104, 105; Essex, 33; Middlesex, 34; Hampshire, 34; Plymouth, 34, 93, 95; Bristol, 34, 93, 95, 104, 105; Barnstable, 34; Dukes, 34; Nantucket, 34; bonds of commissioners, 48, 51; reading in courts, 49; acceptance or negative by governor, 64, 65, 67, 95, 102, 105; election, 94, 95.
 Fairbanks, Jabez, 68; member for Lancaster, 3, 86; petition, 10; land viewer, 22; Sudbury meeting-house, 184.
 Falmouth, 142; representatives, 106.
 Farnsworth, John, 24.
 Fast day, 74, 184.
 Fayerweather, John, petition, 170.
 Fish, culling of, law disallowed, 115.
 Fisher, Joshua, 177.
 Fitch, S., of Billerica, petition, 169.
 Fitch, Thomas, 32, 33, 46, 47, 53, 56, 70, 85, 134, 136, 164, 184, 195, 214; administers oath, 3; councillor, 5; supply of treasury, 55, 58; petition, 140; trial of Castine, 178.
 Fitzroy, Charles, Duke of Grafton, 115.
 Flagg, Benjamin, of Worcester, petition, 172.
 Flagg, Eleazer, account, 146.
 Flagg, John, door-keeper, account, 115, 121; allowance, 128, 160, 212; petition, 160.
 Fletcher, Pendleton, member for Biddeford, 4, 86; petition, 14; attendance excused, 35.
 Flint, Henry, Stoughton Hall, 47, 48.
 Fly, James, 203.

- Foot, John, *captain*, 185, 197; member for Amesbury, 3, 86; western frontier, 123.
- Forrester, Robert, account, 193, 210.
- Fort George, muster-rolls, 71; supplies, 77.
- Fort Mary, muster-roll, 169, 201; account, 196.
- Fort William, 155.
- Foster, John, 23, 30, 59, 64, 73, 87, 88, 90, 185; member for Plymouth, 4, 86; absence excused, 11; petition, 22, 36, 166; treasurer's accounts, 24; Lords-Day, 28; governor's speech, 31, 77; excise commissioner, 34; attendance excused, 37; monitor, 90; supply of treasury, 176; soldiers' complaints, 185.
- Foxes, Indians, 60.
- Framingham, 35; representatives, 3, 86.
- France, trade with, 70; silks and the plague, 81, 89, 101; Indians and, 89; admiral of, 123, 124.
- Freeman, David, 57, 66, 67, 90; member for Attleborough, 4, 86; excused for absence, 10; Mendon line, 103.
- Freetown, representatives, 4, 86; grant to, 108.
- French, silks, 81, 89, 101; intrigues with Indians, 107, 108, 163, 173, 188; letters, 188.
- Frontiers, defence, 44; western, 104, 107, 118, 119, 123, 128, 133, 159, 160.
- Frost, Charles, 28, 41, 153, 160; councillor, 5; York excise, 27.
- Frost, Richard, petition, 184.
- Fullam, Francis, 96, 102, 107, 119, 121, 123, 137, 138, 140, 144, 146, 149, 162, 169, 171, 180, 193, 195; Lancaster lands, 10; removal to Cambridge, 85, 88; member for Weston, 86; reply to governor, 93, 116; eastern settlements, 94; eastern Indians, 103; New Hampshire duties, 137; treasurer's accounts, 138; hawkers and peddlers, 144; Indian hostages, 146; charges against Gray, 155; supply of treasury, 163, 176; petitions, 166; New Hampshire, 168; land tract, 175; French and Indians, 176; Sudbury precinct, 177; trial of Castine, 178; Sherborn meeting, 199.
- Funerals, bills at, 125, 127; expenses, 127, 131.
- Gage, Thomas, member for Freetown, 86.
- Garden Island, 173.
- Gardner, John, *captain*, 4, 56, 59, 60; member for Salem, 3; petitions, 8, 22; treasurer's accounts, 11; instructions, 15; supply of treasury, 56; contingent charges, 56; reply to council, 58; Paul Dudley, 64, 65; affront to House, 66; governor's delay, 67, 105; reply to governor, 70, 77, 79.
- Gathman, Francis, of Salem, petition, 18, 37.
- George II, 39, 115.
- George tavern, Boston, 87, 92, 160.
- George, sloop, 175, 196.
- George Town, 201; representatives, 4, 8; petition, 8.
- Gerrish, Nathaniel, waste of timber, 157, 160.
- Gibbs, Benjamin, 181.
- Gilbert, Henry, of Brookfield, 28.
- Giles, John, *captain*, account, 142, 174; Indians, 148; petition, 156.
- Gloucester, representatives, 3, 86.
- Glover, Nathaniel, Jr., petition, 23, 174, 193, 194, 195.
- Goddard, John, *lieut.*, soldiers' release, 170, 171, 180, 198, 212.
- Goff, Edmund, *colonel*, 20, 26, 27, 52, 53, 60, 63, 78, 149, 151, 205, 210, 212; member for Cambridge, 11, 86, 174; New Hampshire imposition, 13; scouts, 17; eastern settlements, 18; petitions, 22; treasurer's accounts, 24; logs, 30; Middlesex excise commissioner, 34; reply to council, 58, 156; Indian hostages, 67, 211; reply to governor, 70; Cambridge jail, 147; unseated, 169; account, 169; soldiers' release, 170, 171, 174, 180, 198, 201; muster-roll, 199, 203, 213.
- Gooch, John, 205, 210; account, 142.
- Gookin, Daniel, *captain*, 213.
- Gookin, Samuel, Jr., 193, 204, 206, 212, 213.
- Gorges, Sir Ferdinando, grant to, 19, 31.
- Gorham, Shubal, 35, 58, 183; member for Barnstable, 4, 86; absence excused, 16; treasurer's accounts, 24.
- Gott, John, member for Wenham, 3, 86.
- Governor, power to sign acts, 72.
- Grafton, Duke of, *see* Charles Fitzroy, 115.
- Grant, Benjamin, charge against officer, 171.
- Graves, William, 196, 201.
- Gray, George, petition, 142.
- Gray, John, *captain*, charges against, 155; account, 196; muster-roll, 201.
- Greely, Andrew, of Amesbury, 179.
- Greely, Andrew, of Salisbury, 96, 199, 200, 204, 213.
- Green, Bartholomew, 30.
- Grele, *see* Greely.
- Grey, Thomas, 180.
- Grievances, 30, 41.
- Groton, 10, 43; representatives, 3, 86; scouts, 129.
- Grove, John, charge against officers, 170.
- Guy, John, of Branford, 13, 22, 27; muster-roll, 169.
- Gyles, John, *captain*, 30, 68; summoned, 60, 61, 62, 65; memorial, 64, 65; muster-roll, 77.
- Hadley, representatives, 3, 86; petition, 194.
- Hale, Joseph, member for Boxford, 3, 86.
- Hale, Nathan, 186, 206.
- Hale, Robert, 115.
- Hall, Hugh, of Barbados, 101, 174, 181, 183, 196, 202.
- Halloway, Nicholas, 172.
- Halwell, Joseph, 197.
- Hammond, Joseph, 28; councillor, 5; on excise commissioner, 26, 27, 49.
- Hampshire county, sheriff to explain, 11, 31; treasurer's account, 16; excise commissioner, 34; loan account, 41.

- Hampton, N.H., 43; assessments, 95, 112, 116, 133. *See* Salisbury.
- Harman, Johnson, *captain*, soldiers' release, 170, 171, 181, 198, 212; account, 193; muster-roll, 195, 205.
- Harris, George, 201.
- Harris, Timothy, member for Rowley, 3.
- Hart, John, 186.
- Hartford, 186.
- Hart-pond, Sudbury, 12, 176.
- Harvard College, Hollis donation, 11, 44; divinity professor, 11; Stoughton Hall, 47, 48; private commencement, 53.
- Harwich, representatives, 4, 86.
- Haseltine, Robert, member for Bradford, 86.
- Hassanamisco, 18, 21; Indians, 140, 178.
- Hastings, Daniel, 198, 212.
- Hatch, Estes, of Rutland, petition, 140, 164.
- Hatfield, representatives, 3, 106; petition, 194.
- Haverhill, 212; representatives, 3, 86; scouts, 129.
- Hawkers and peddlers, 144, 146, 149.
- Haws, Ebenezer, *captain*, member for Yarmouth, 4; Lords-Day, 28; attendance excused, 34.
- Haynes, David, of Sudbury, petition, 12, 15, 166.
- Heath, Joseph, *lieut.*, 201; summoned, 60, 61.
- Heath, William, *captain*, 92, 94, 95, 104, 107, 115, 119, 130, 138, 149, 151, 154, 163, 166, 171, 175, 176, 184; member for Roxbury, 86; removal to Cambridge, 88; door-guards, 93; eastern Indians, 103; levying soldiers, 108; Salisbury prisoners, 113, 124; reply to governor, 116; Indian trade, 123; smallpox by inoculation, 178.
- Hedge, Elisha, 15.
- Herrick, Joseph, *captain*, member for Beverly, 3, 58, 79.
- Higgins, Joshua, petition, 15.
- Hingham, representatives, 3, 86.
- Hirst, Grove, of Boston, 126, 175, 193.
- Hitchcock, Luke, account, 41.
- Hollis, Thomas, donation to Harvard College, 11, 44, 46.
- Holman, Abram, account, 176.
- Horsemet, James, member for Woodstock, 86.
- Hospital, Spectacle Island, 37, 41.
- Hostages, Indian, *see* Indians.
- Houghton, John, member for Lancaster, 3; petition, 10.
- Housatonic River, 13.
- House of Representatives, oaths and declaration, 3, 85; speaker, 4, 86; clerk, 4, 86; members, 3, 86; privileges, 7, 52; orders, 7; monitors, 7; prints journals, 9, 92; errors in, 105, 132, 134; grievances, 30; allowance to members, 33; governor's speech, 38; non-concurrence, 39; wishes to rise, 53, 67, 146, 148; on adjournment, 58, 74, 75, 77, 79, 101; affront to, 66; reply to governor, 71, 93, 96, 106; statement of difference for London, 80; protest of governor, 80; speaker and governor, 87, 89, 107, 116, 120, 124, 125, 128, 131; rules and orders, 92; door-guards, 93; defence of liberties, 121, 124, 125, 127, 128, 131, 133, 134; speaker *pro tem.*, 132, 135; absent members, 151; reply to council, 156; New Hampshire's memorial, 207.
- Hubbard, John, petition, 172.
- Hubbard, Nathaniel, 32, 61; member for Hingham, 3.
- Hubbard, Nathaniel, of Dorchester, petition, 129, 177.
- Hubbard, Zachariah, petition, 172.
- Hughes, Thomas, 201.
- Hull, representatives, 106.
- Hunt, —, of Dartmouth, 108.
- Hurons, 110, 111.
- Hutchinson, Edward, memorial, 126; petition, 178, 195.
- Hutchinson, Thomas, 51, 53, 67, 70, 88, 128, 131, 150, 193, 213; administers oath, 3; councillor, 5; Quakers, 28.
- Hutchinson, William, 4, 5, 27, 52, 64, 66, 86, 95, 101, 121, 126, 131, 146, 149; member for Boston, 3, 86; petitions, 8; Hollis donation, 11; Quakers, 28; Dummer's letters, 41; defaced bills, 48; reply to council, 60; affront to House, 66; counterfeit bills, 71; Arrowsick accounts, 101; eastern expedition, 119; Indian trade, 123; treasurer's accounts, 138; Cambridge jail, 147; forces at the eastward, 148.
- Impost, commissioner of, election, 33.
- In-land towns, 29.
- Indians, scouts to watch, 16, 17; treaty, 29; hostages, 29, 55, 59, 62, 66, 67, 68, 104, 110, 120, 122, 128, 130, 131, 138, 142, 143, 144, 146, 147, 169, 191, 206, 211, 212; Eastern, 47, 89, 94, 103, 106, 108, 115, 116, 117, 118, 120, 121, 123, 138, 142, 145, 147, 164, 173; Foxes, 60; Areseguntacook, 62; Giles' memorial, 64; hostile, 89; at Cocheco, 94; letter to governor, 109; trade with eastern, 123, 124, 126, 129, 131, 150, 152, 158; purchase of land, 137, 138; letters, 139; Giles to report, 148; to be seized, 150; expedition against, 152, 158; Natick, 163; Penobscot, 194.
- Ingols, Joseph, petition, 167.
- Innholders, lists, 59.
- Ipswich, 202, 212; representatives, 3, 76; petition, 202.
- Iron ore, Dorchester, 23, 42, 174.
- Jabacco, 167.
- Jackson, Edward, 201.
- Jennings, Joseph, member for Brookfield, 3, 86.
- Jennings, Samuel, member for Sandwich, 4; Barnstable excise commissioner, 34.
- Jennison, William, Sudbury petition, 12.
- Jesuits, Indians and, 89, 104, 170; surrendered, 117, 118.
- Jewett, —, 76.
- Johnson, Richard, 87, 94, 126, 143; member for

- Lynn, 3, 86; Quakers, 28; Sudbury precinct, 177.
- Jones, Josiah, member for Weston, 3, 66; absence excused, 10; Drury petition, 21; land viewer, 22.
- Jones, Samuel, 24.
- Jordan, Dominicus, account, 185, 197, 201.
- Judges, allowances, 127.
- Kennebeck, 62, 109, 173.
- Kent, Richard, *captain*, of Newbury, petition, 11, 25, 26, 167, 169.
- Ker, John, Duke of Roxburgh, 115.
- Kickery Mewett, 190.
- King, Jonathan, account, 185.
- Kittery, 42; representatives, 4, 86; breast-work, 19, 96, 102; naval office, 19, 209.
- Knowles, Samuel, member for Eastham, 4; excused, 32.
- Knowlton, Nathaniel, 50, 52, 66, 73, 90, 96, 104, 122, 126, 154, 166, 171, 180, 184, 211, 212; member for Ipswich, 3, 86; governor's speech, 31; Salisbury taxes, 42; reply to council, 60, 156; governor's delay, 67, 105; reply to governor, 79, 93; forces at the eastward, 148; supply of treasury, 163; soldiers' complaints, 184, 198; prices of soldiers' supplies, 202.
- Kounibigou, 110.
- La Chasse, Pierre Joseph de, 188, 189, 191.
- Lambert, Thomas, 169.
- Lancaster, 12, 27; representatives, 3, 86; lands, 10, 24, 43; scouts, 129.
- Lancaster River, 24.
- Lancaster road, 176.
- Langdon, Richard, 112; Arrowsick accounts, 125.
- Larabe, John, 65, 200.
- Law, disallowed, 115.
- Laws, new impression, 174; index, 175; writing, 212.
- Lead, Tantausqus mine, 24.
- Legardeur, Pierre, Sieur de Repentigny, 192.
- Leicester, representatives, 3, 86; scouts, 129, 143.
- Leonard, James, member for Taunton, 4, 86.
- Leverett, John, 64; Hollis donation, 11; Stoughton Hall, 47; commencement, 53; allowance, 127, 160.
- Lexington, representatives, 3, 86.
- Libels, 39.
- Licences, recognizances for, 114.
- Lighthouse, boat, 183.
- Lindall, Timothy, 33, 36, 41, 80, 97.
- Little, Isaac, account, 101, 112.
- Little Compton, 180; representatives, 4, 86.
- Littleton, ministry, 14.
- Loan, 50,000 *l.*, 34.
- Logs, in Maine, 30, 31, 35, 40, 42, 154, 174, 186.
- Longfellow, Nathaniel, of Hampton, 179, 199.
- Lords-Day, observation, 28.
- Loring, Israel, 184.
- Loring, Thomas, *captain*, 146, 164; member for Hingham, 86.
- Lovett, David, of Mendon, memorial, 166.
- Lucas, Benoni, 66; member for Plympton, 4, 86.
- Lumber, duties on, 139, 208.
- Lynde, Benjamin, 53, 56, 146, 148, 149, 155, 167, 173, 179, 184, 193; councillor, 5; trade with France, 70; French and Indians, 176.
- Lynn, representatives, 3, 86.
- Magerleine [Margdelein], island, 192.
- Maine, Province of, councillors, 5; logs, 30, 35, 42.
- Maker, James, petition, 15.
- Malaovins [Maluines = people from St. Malo], 192.
- Malden, 48, 114; representatives, 3, 86.
- Man, William, of Boston, petition, 13, 22, 23, 27.
- Manaskonk, 110.
- Manchester, representatives, 106.
- Maquois Indians, presents for, 104, 118, 119, 121, 135, 144, 146.
- Marblehead, representatives, 3, 86.
- Marion, Joseph, account, 51, 128.
- Marlborough, representatives, 3, 86.
- Marshall, Samuel, 112.
- Marshfield, representatives, 4, 86.
- Martin, Abraham, petition, 171, 174.
- Mashapaug pond, 24.
- Massachusetts-Bay councillors, 5.
- Massachusetts, survey of frontiers, 13.
- Masts, for royal navy, 31, 40.
- Mather, Cotton, petition, 14; grenado shell, 150.
- Mattock, Samuel, petition, 184.
- Mattstidouanousis, 109.
- Mayhew, Zaccheus, member for Chilmark, etc., 4; Dukes excise commissioner, 34; attendance excused, 35.
- Mayo, John, member for Harwich, 86.
- Mayo, Theophilus, petition, 15.
- Mayo, Thomas, petition, 15.
- Meads, Joshua, 204.
- Mears, Samuel, account, 132.
- Measures, weights and, 180.
- Medfield, representatives, 3, 86.
- Medford, representatives, 86.
- Medoktek, 111.
- Medway, representatives, 106.
- Melvil, David, 15.
- Members of House, allowance, 33.
- Mendon, representatives, 3, 86; petition for land, 12, 177; measurement, 22, 36, 103; memorial, 166.
- Menzies, John, 27, 29, 32, 48, 58, 61, 64, 75, 79, 103, 107, 136, 193; member for Leicester, 3, 86; logs, 30; removal to Cambridge, 88; Sudbury precinct, 177.
- Merasibessek, 111.
- Merrimack River, 179; land on, 10, 15, 36, 166, 186, 202; Indian passages, 17, 20; towns, 123.
- Merrymeeting Bay, 173.
- Middleborough, representatives, 4, 86; petition of selectmen, 9.

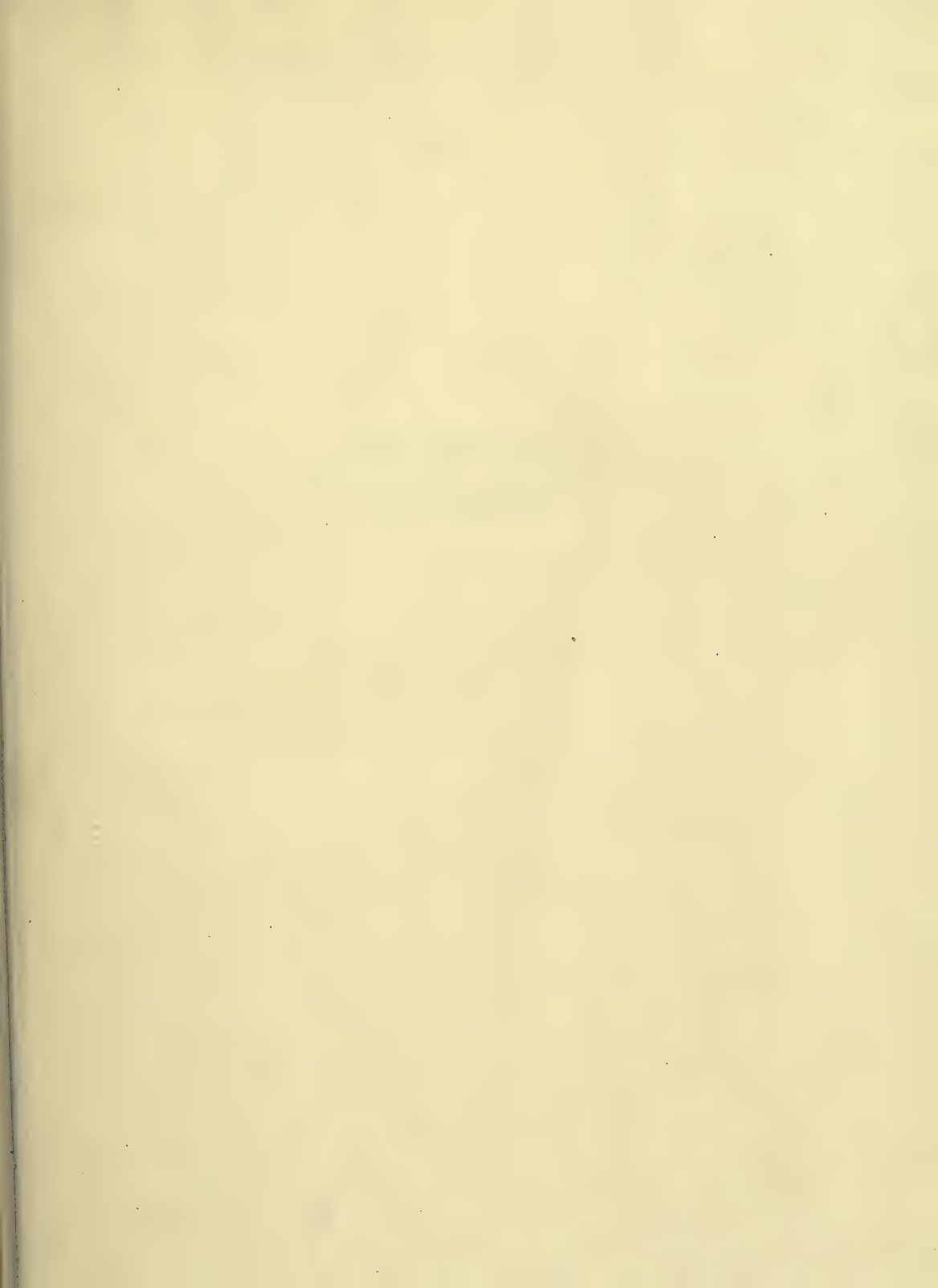
- Middlesex county, 22; division, 33; excise commissioner, 34.
 Mikemaki (Micmacs), 110, 111.
 Mills, John, *captain*, 127; member for Braintree, 86.
 Milton, 126; representatives, 3, 86.
 Minot, James, petition, 186.
 Minot, Stephen, of Rutland, petition, 140, 164.
 Mohawks, 110; of Santi, 111; of the Mountains, 111.
 Monitors, chosen, 7, 90.
 Monosuck Hills, 24.
 Moody, *rev.* Samuel, election sermon, 6.
 Moody, Samuel, *captain*, 61, 68, 185; letter, 47; muster-roll, 197, 205.
 Moody, William, 90, 113, 146; member for Newbury, 86.
 Moor, Richard, *captain*, 169; member for Oxford, 3; petition, 29, 53.
 Morrill, Isaac, 113, 146; member for Salisbury, 3, 86; Salisbury prisoners, 113.
 Mory, Nicholas, member for Freetown, 4.
 Moulton, Jeremiah, York excise commissioner, 34.
 Mountaineers on the north-side, 111.
 Murey, Benjamin, of Framingham, 35; petition, 35.
 Muster-rolls, 185; payment, 63, 100; examined, 71, 73, 77, 175, 197; order, 202; referred, 202.
 Musters, false, 30, 108.
 Muzzy, Christopher, 204.
 Myles, *rev.* John, 15.
 Nantucket, excise commissioner, 34.
 Narrakmigon, 111.
 Narrantsouakit, 110.
 Nathaniel, 152, 158.
 Natick, 12; Indian lands, 137, 163.
 Needham, representatives, 106.
 Negusguard, 60.
 Nelson, John, memorial, 211.
 Neponset, petition on, 21; powder-mill, 126, 175.
 Newbury, representatives, 3, 86.
 Newcastle, 209.
 Newcomb, Joseph, 146; member for Edgartown, 86.
 New Grant, 174.
 New Hampshire, 94; imposition on vessels, 13, 19, 96, 122; on Salisbury, 43, 46, 95, 112, 116, 124, 133; repayment of advance, 50; duties on goods, 127, 128, 137, 139, 167, 207; memorial on duties, 138; reply to aspersions, 168.
 New Hampton, 94.
 Newichewonack River, 19, 31, 157, 209.
 New Plymouth, councillors, 5.
 Newport, R.I., 179, 195.
 Newton, representatives, 3, 86.
 Newton, Christian, letter, 48.
 Newton, Thomas, 48.
 Neyon, *see* Bégon.
 Norden, Nathaniel, 25, 26, 59, 65, 67, 120, 128; councillor, 5.
 Norransouak, 111.
 Norridgewock, 117, 141, 143; Indians, 68, 163, 168, 188, 190.
 Norris, John, 201.
 North River, Lancaster, 24.
 Northampton, representative, 3, 86; petition, 13, 193.
 Northen, Ezekiel, *captain*, 115; member for Rowley, 86.
 Northfield, 20, 129, 170; garrison, 102, 158, 160; scouts, 129, 159.
 Norton, representatives, 4, 86.
 Notaries, choice of, 34.
 Noyes, Thomas, councillor, 5; New Hampshire, 46, 112.
 Nyon, *see* Bégon.
 Oaths of abjuration, etc., 3, 85.
 Officers, civil, choosing, 28, 33; acceptance by governor, 46, 67; complaints against military, 184.
 Oliver, Daniel, petition, 126, 175, 185, 193.
 Oliver, Nathaniel, petition, 179.
 Oliver, Peter, petition, 179.
 Oosamoochis, 152, 158.
 Orange, Robert, petition, 107.
 Orders of House, 7.
 Osgood, Peter, *captain*, 144, 151, 170, 185, 199; member for Salem, 86; smallpox by inoculation, 178; muster-rolls, 202.
 Osgood, Christopher, petition on dam, 113, 164.
 Otabahenet, 60, 152, 158.
 Otis, John, 76, 169, 172, 179, 183, 193; councillor, 5; treasurer Barnstable county, 30; French and Indians, 176.
 Otobahanscut, *see* Otabahenet.
 Out-lands, division of, 10.
 Oxford, 27; representative, 3, 106; meeting-house, 29, 53, 173, 174, 178, 184, 192.
 Pain, John, 170.
 Pain, Stephen, monitor, 90.
 Paine, Nathaniel, treasurer of Bristol county, account, 16; petition, 108.
 Pamphlets, scandalous, 39.
 Papinchois, 111.
 Parker, Thomas, lord chancellor, 9, 115.
 Parsons, Joseph, 52, 53, 58; member for Northampton, 3; Hollis donation, 11; scouts, 17; Eastern Settlements, 18; petition, 23; treasurer's accounts, 24.
 Partridge, Samuel, 51, 52, 55, 57, 64, 71, 102, 121; councillor, 5; account, 157.
 Passages, Indian, 16, 17.
 Paulet, Harry, Duke of Bolton, 115.
 Payne, William, elected clerk, 4, 87; Suffolk excise commissioner, 33, 95, 96; allowance, 128, 160.
 Peabody, William, 180; charge against officer, 171.
 Peck, Jathniel, 187; member for Rehoboth, 4, 86.
 Peddlers, hawkers, 144, 146, 149.
 Pegouskki, 111.
 Peirpont, John, account, 186, 205, 206.
 Pelham, T., 91.

- Pelham-Holles, Thomas, Duke of Newcastle, 9.
 Pemberton, George, 73, 175; account, 213.
 Pembroke, representatives, 4, 86.
 Pemsler, 110.
 Penhallow, John, 169; member for George Town, 4; unseated, 8; Castine's trial, 156, 170, 171; letter from, 164, 168; muster-roll, 195, 210.
 Penhallow, Samuel, memorial, 138.
 Penobscot River, 191; Indian passages, 17, 20.
 Pentagouet, 111.
 Pepper, Isaac, 172; member for Eastham, 86.
 Perkins, Matthew, petition, 184, 202.
 Perkins, Tobijah, *captain*, 53, 126, 159; member for Topsfield, 3, 86.
 Pesmouhanti, 111.
 Petitions, committee on, 8, 10, 22, 166.
 Phips, Spencer, *colonel*, 22, 51, 52, 55, 57, 133, 134, 147, 172, 175, 183, 192, 195, 200, 211; member for Cambridge, 3; councillor, 5, 7.
 Phips, Sir William, 76, 79.
 Pierce, Daniel, member for Woburn, 86, 162.
 Pierce, Stephen, 53; member for Chelmsford, 3, 86; monitor, 7.
 Pigouwakki River, 110.
 Pike, Hugh, petition, 154.
 Pinder, John, 111.
 Pirates, 75.
 Piscataqua River, 13, 30, 102, 110; right to, 19, 96, 209.
 Pitkin, William, 48, 50, 193.
 Plague, prevention, 81, 89, 93, 94, 95, 100, 107.
 Plaisted, Elisha, *captain*, 174; member for Berwick, 4, 86; New Hampshire imposition, 13; treasurer's accounts, 24; logs, 30, 31; attendance excused, 38, 87; account, 186.
 Plimpton, representatives, 4, 86.
 Plymouth, representatives, 4, 86; Indian hostages, 143.
 Plymouth county, treasurer's account, 16; excise commission, 34, 93, 95.
 Polls and estates, levy, 23, 25, 31, 32, 38, 45, 50, 51, 52, 60, 63, 65, 145, 146, 147, 148, 149, 150, 154, 155, 158; conference, 55; supply of treasury, 163, 165, 167, 169, 172, 176, 181, 185, 193.
 Pope, Ralph, petition, 23.
 Pope, Seth, petition, 108.
 Poplar-swamp gutter, Sudbury, 12, 176, 183.
 Popple, —, 91.
 Portsmouth, N. H., 94.
 Powder house, 75, 213.
 Powder mill, Hirst's, 126; money, 208.
 Powning, Daniel, 75.
 Prebble, Abraham, treasurer of York county, account, 26.
 Precepts from towns, examined, 6.
 Prerogative, royal, 21.
 Prescott, Jonathan, *captain*, 24; Indian hostages, 128.
 Press-gang, 30.
 Prince, Samuel, member for Rochester, 4, 86; attendance dismissed, 24.
 Pritchard, John, account, 197.
 Providence, boundary line, 12, 36, 166.
 Province House, repair, 115, 154, 156, 172, 193, 210, 214.
 Provision, for eastern expedition, 128.
 Pumery, Ebenezer, sheriff of Hampshire, 31, 108, 115, 119, 121, 136, 140, 146, 154, 159, 174; member for Northampton, 86; removal to Cambridge, 88; eastern settlements, 94; eastern Indians, 103; levying soldiers, 108; Salisbury prisoners, 113, 124; reply to governor, 116; western frontiers, 123, 128; New Hampshire duties, 137; treasurer's accounts, 138; hawkers and peddlers, 144; Indian hostages, 146; charges against Gray, 155; Land tract, 175; French and Indians, 176; supply of treasury, 176; trial of Castine, 178; muster-rolls, 202; Dudley and treasurer, 206.
 Punishment, corporal, 22.
 Pynchon, John, treasurer of Hampshire county, account, 16, 41.
 Quakers, committee, 28, 37, 38.
 Quaquo, Tom, 73.
 Quarantine, 70.
 Quason, John, 15.
 Quason, Theophilus, 15.
 Quelch, John, 18.
 Quereberuite, 152, 158.
 Quincy, Edmund, 36, 52, 128, 129, 133, 155, 159, 185, 214; councillor, 5; Quakers, 28; trial of Castine, 178.
 Quincy, John, 4, 22, 52, 58, 66, 78; member for Braintree, 3; logs, 30; governor's speech, 31; Dummer's letters, 41; contingent charges, 56; counterfeit bills, 71; reply to governor, 79.
 Quorum of governor's council, 61, 65.
 Rale, Sebastien, to be surrendered, 103; seized, 117, 118; reward for, 150, 152, 159; escape, 163; letters to, 164, 188.
 Rand, John, 20, 68, 122, 151; member for Charlestown, 3, 86; smallpox by inoculation, 178.
 Rates and duties, shipping, grant, 18, 19, 23, 27, 32.
 Raymond, Sir Robert, opinion on power of governor, 91.
 Read, John, attorney general, election, 119; negatived by governor, 120.
 Reading, Daniel, 201.
 Reading, representatives, 3, 86.
 Recognizances for licences, 114.
 Rehoboth, 26; representatives, 4, 86.
 Rene [Wauorene], 192.
 Rennock, Indians, 68.
 Rhode Island, repayment of advance, 50.
 Rice, Ebenezer, Sudbury petition, 12.
 Rice, John, *captain*, member for Sudbury, 3.
 Rice, Joshua, of Worcester, petition, 35, 172.
 Rice, Phineas, 126; member for Sudbury, 86.
 Richards, John, 181, 183.
 Richardson, Stephen, *captain*, muster-roll, 195, 201; account, 206.
 Richardson, Thomas, 203.

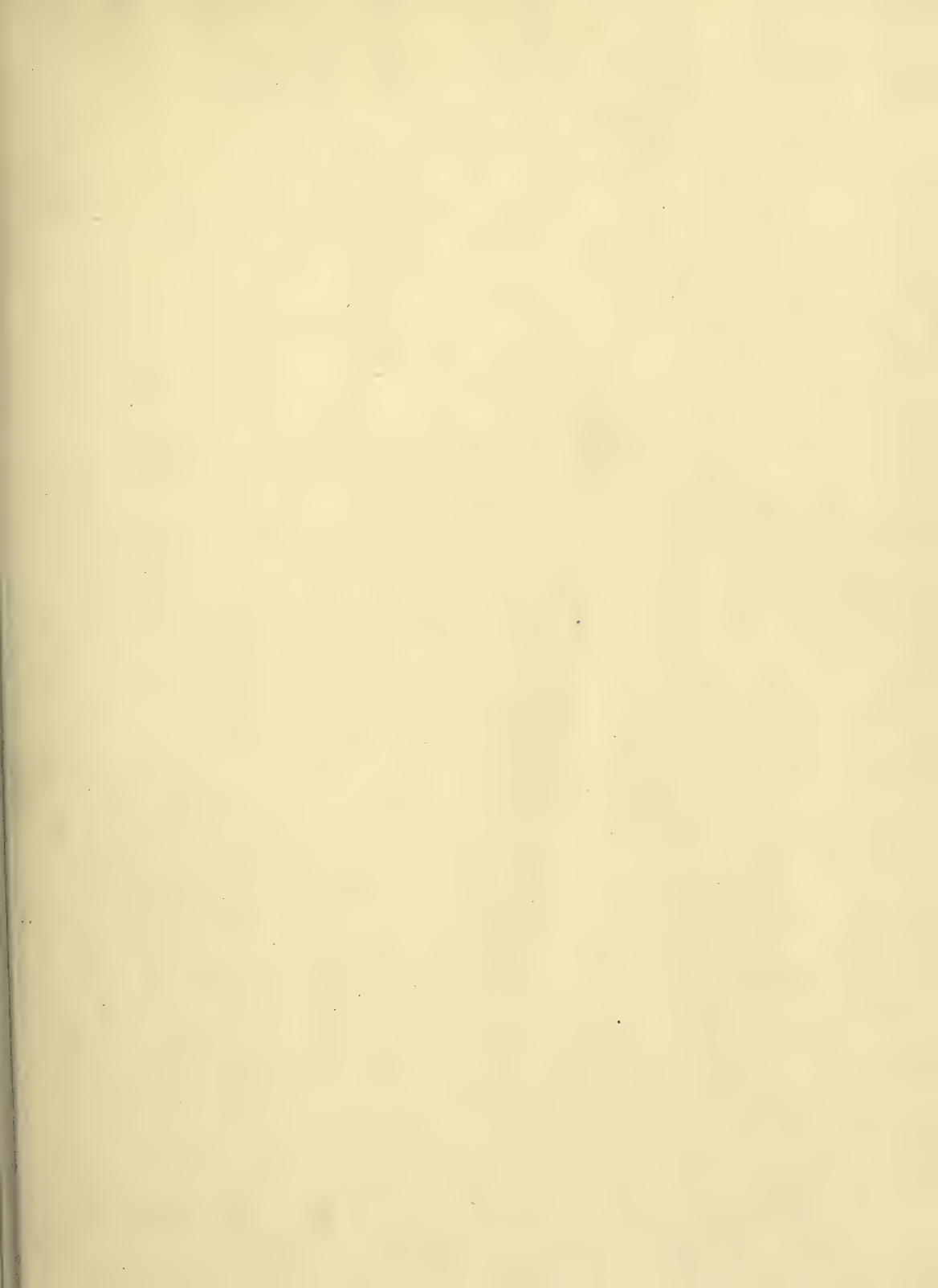
- Richmond, 201.
 Riots, 39.
 Ripley, John, 171.
 Rochester, representatives, 4, 86.
 Rogers, John, petition, 108.
 Rolph, Benjamin, account, 212.
 Rowley, 212; representatives, 3, 86.
 Roxburgh, Duke of, *see* Ker.
 Roxbury, 41; representatives, 3, 86; petition of select-men, 137, 167; courts, 153; smallpox, 153.
 Royal, Isaac, Jr., petition, 23.
 Rushbrook, Ovid, 18, 22, 24, 36.
 Russell, Daniel, commissioner of impost, election, 33; memorial, 183.
 Rutland, 22; 179; scouts, 129, 143; township, 140, 164; precinct, 200.
 Sagadahock-Nova Scotia, councillors, 5, 64, 65, 66.
 St. Castine, Anselme de, 138, 139; to be surrendered, 104; arrested, 117, 119; examination, 138; removed to Cambridge, 139; trial, 156, 169, 170, 171, 178; account, 185; memorial, 194; clothed, 211; expenses, 213.
 St. François, 189, 191.
 St. John's, isle of [Prince Edward island], 192.
 St. Pierre, *see* Legardeur.
 Salem, representatives, 3, 86.
 Salisbury, representatives, 3, 86; taxation, 42, 43, 46, 48, 50, 51, 95, 107, 112, 113, 116, 122, 123, 133; petition, 94; prisoners, 113, 116, 123.
 Sanders, John, 27, 30, 50, 51; member for Haverhill, 3, 86; western frontiers, 123.
 Sandwich, representatives, 4, 86.
 Sanford, Thomas, 66; member for Mendon, 3; petition, 36; memorial, 166.
 Sargeant, Jonathan, member for Malden, 86.
 Sawyer, Francis, member for Wells, 4; attendance excused, 37.
 Sayer, John, account, 196.
 Scarborough, representatives, 106.
 Scituate, representatives, 4, 86.
 Scollay, John, 29.
 Scouts, employment of, 16, 17, 20, 129, 143.
 Screven, —, 76.
 Seahorse, 30, 75, 108.
 Searl, Joseph, 201.
 Secretary to council, *see* Willard; clerk, 144.
 Segunticook, Indians, 68.
 Sergeant, Mary, of Amesbury, petition, 10, 14, 23, 26, 28.
 Sergeant, Thomas, of Amesbury, 23, 26.
 Sermon, election, 6.
 Sewall, Samuel, 46, 47, 51, 61, 133, 148, 155, 162, 176, 193, 200; administers oath, 3; councillor, 5; French and Indians, 176, 188; Rutland lands, 179.
 Shapley's line, 116.
 Shepley, John, *captain*, member for Groton, 3, 86, 187; frontier survey, 13; Merrimack survey, 15; attendance excused, 46; western frontiers, 123; Indian hostages, 146; trial of Castine, 178.
 Sherborn, 35, 199; representatives, 3, 86; land grant, 12, 14, 176.
 Sherburn on Nantucket, representatives, 4, 86.
 Shipping, import and tonnage, 18, 19, 23, 24, 32.
 Shoes, 112.
 Shute, Samuel, 21; accepts speaker, 4, 87, 89; irregular report of councillors, 6; accepts, 7; rejects Byfield, 7; speeches, 8, 31, 38, 75, 80, 89, 93, 136, 160, 163; instructions to, 9, 15, 16, 17, 20, 91, 107, 115; salary, 67, 68, 71, 74, 105, 127, 131, 159; refuses to receive message, 75, 87; adjourning House, 75, 79; dissents on removing court to Cambridge, 88; excise commissioners, 64, 65, 67, 95, 102, 105, 134; messages, 108, 116, 202; negatives attorney general, 120.
 Silks, French, 81, 89, 101.
 Simonds, Samuel, 184.
 Simonds, William, 184.
 Simons, Jacob, 172.
 Skeat, Stephen, member for Sandwich, 86.
 Skillings, Joseph, 201.
 Skinner, Thomas, 201.
 Slaughter, Peter, 73.
 Sloops, hire of, 205.
 Smallpox, in Boston, 5, 36, 87, 90, 92, 93, 125, 136, 147; day of prayer, 32, 34, 35; on *Seahorse*, 75, 108; at Castle, 138; hawkers and peddlers, 144; Cambridge, 146, 162; Charlestown, 148, 153; Roxbury, 153; inoculation and, 178, 181, 184, 185.
 Smith, Collam, 201.
 Smith, Luke, member for Hadley, 3, 86.
 Smith, Mary, 30.
 Smith, Moses, of Needham, 137; petition, 163.
 Smith, Samuel, 15.
 Smith, Seth, prison-keeper, Boston, petition, 18, 22, 24, 36.
 Smith, Thomas, of Rutland, 164.
 Snow, Benjamin, 171; member for Bridgewater, 86; attendance excused, 87.
 Snow, Isaac, 171.
 Snow, John, member for Truro, 4; attendance excused, 37.
 Snow, Solomon, 171.
 Sohegan River, 51, 175.
 Soldiers, levying and regulating, 30, 59, 60, 63, 103, 107, 108, 112, 114, 122, 126, 127; bounty, 104, 118, 119; distribution, 129; number, 138; pay, 170; petition, 170, 171, 173; complaints against officers, 185, 198, 211; Wainwright's company, 199; prices of supplies, 202.
 Southack, David, 201.
 Southward, Ichabod, member for Middleborough, 86.
 Southworth, Joseph, representative for Little Compton, 86; excise commissioner, 105.
 Speaker, election of John Clarke, 4, 86; governor and, 87, 89, 107, 116, 120, 124, 125, 128, 131; *pro tem.*, 132, 135.
 Species, payment of taxes, 45, 64, 166, 182.
 Spectacle Island, hospital, 37, 41.
 Spencer, Charles, Earl of Sunderland, 115.

- Springfield, representatives, 3, 86.
 Spur, Robert, *colonel*, 20, 60, 64, 68, 73, 79, 90, 115, 119, 127, 131, 146, 149, 168, 171, 193, 195; member for Dorchester, 3, 86; logs, 30; eastern settlements, 94; accounts, 132; petitions, 166.
 Squaheeg, 23.
 Stacy, William, 6, 7, 27, 53, 64, 68, 143, 149, 151, 157, 159; member for Marblehead, 3, 86; hospital accounts, 37; counterfeit bills, 71; governor's speech, 77.
 Stair falls, 31.
 Staves, duties on, 139.
 Stearns, Samuel, member for Watertown, 3, 86.
 Stebbins, Joseph, 50, 193; member for Springfield, 3, 86.
 Stevens, Benjamin, 66, 78, 115; member for Andover, 3, 86; frontier survey, 13; attendance excused, 35.
 Stevens, Grace, of Boston, petition, 111.
 Stevens, J., of Billerica, petition, 169.
 Stevens, Jeremiah, 169.
 Stevens, Samuel, 58; member for Gloucester, 3, 86.
 Stevens, Samuel, of Billerica, 169.
 Steward, Castle William, 200.
 Stockings, 112.
 Stone, Ebenezer, 53, 58, 90, 122, 123, 130, 164, 184; member for Newton, 3, 86; monitor, 7; petitions, 8; Lords-Day, 28; governor's speech, 31, 77; Dorchester lands, 42; contingent charges, 56; reply to council, 60; removal to Cambridge, 88; eastern Indians, 103; Salisbury prisoners, 124; Sudbury meeting-house, 184; soldiers' complaints, 184.
 Stores, at Arrowsick, 131.
 Stoughton Hall, 47, 48.
 Stow, representatives, 3, 86.
 Stratton, John, 196.
 Sudbury, representatives, 3, 86; meeting-house, 12, 176; land, 12; petition, 113, 183.
 Sudbury River, petition of inhabitants, 10, 12, 164, 166, 176; church, 166.
 Suffield, petition, 13; representatives, 106.
 Suffolk county, division of, 13; land in, 27; treasurer's account, 31, 46, 65; excise commissioner, 34, 93, 95, 96, 104, 105.
 Sumner, Edward, petition, 167.
 Sumner, George, petition, 167, 175.
 Sumner, William, petition, 167.
 Suncook River, 10, 15.
 Sunderland, Earl of, *see* Spencer.
 Sunderland, scouts, 129.
 Sutton, taxation, 21, 102; representation, 106; river, 113.
 Swanzey, representatives, 4, 86; petition, 15.
 Taber, Joseph, member for Tiverton, 4; absence excused, 10.
 Taber, Philip, member for Dartmouth, 4, 86; absence excused, 10; expelled, 11, 123.
 Taft, Daniel, member for Mendon, 86; Mendon line, 103.
 Taler, William, 164, 193, 214; councillor, 5; Sudbury meeting-house, 183.
 Tantausqus, lead mine, 24.
 Tappan, John, of Salisbury, petition, 27.
 Taunton, representatives, 4, 86; line with Dighton, 196.
 Taxes, payable in species, 45, 64, 141.
 Taxou [Taxus], 190.
 Taylor, Isaac, *rev.*, 164, 167, 173; account, 194, 197.
 Taylor, James, 186.
 Taylor, William, *colonel*, councillor, 80, 149.
 Temple, Robert, 164, 167, 173; account, 194, 197.
 Tenny, Samuel, member for Bradford, 3.
 Terry, Samuel, *captain*, appears for Enfield, 11.
 Thaxter, Samuel, 46, 56, 67, 117, 176, 184, 185, 195, 196; councillor, 5; Dorchester lands, 42; supply of treasury, 58; trial of Castine, 178; Sudbury meeting-house, 183; muster-roll, 199, 203, 213.
 Thayer, Josiah, of Mendon, memorial, 166.
 Thompson, Jacob, *colonel*, 187.
 Thompson, Thomas, of Cambridge, 162, 163, 211.
 Throop, William, *captain*, 33, 52, 58, 63, 66, 123, 130, 134, 146, 149, 151, 174, 183, 185; member for Bristol, 4, 114; treasurer's accounts, 11, 24; governor's speech, 31, 77; excise commissioner, 34, 95; Dummer's letters, 41, 44; defaced bills, 48, 50; contingent charges, 57; reply to council, 60, 132; affront to House, 66; counterfeit bills, 71; Salisbury prisoners, 113, 124; Indian trade, 123; hawkers and peddlers, 144; forces at the eastward, 148; Land tract, 175; French and Indians, 176; supply of treasury, 176; soldiers' complaints, 184; Minot's petition, 186; muster-rolls, 202; Dudley and treasurer, 206.
 Timber, waste, 157, 159, 160.
 Ting, Jonathan, *see* King.
 Tisbury, representatives, 4.
 Tiverton, representatives, 4, 86; grant to, 108.
 Tompson, B., of Billerica, 169.
 Topsfield, representatives, 3, 86.
 Torrey, John, member for Weymouth, 3, 86; Dorchester lands, 42; reply to governor, 116.
 Towns, in-land, 29; proportion of bills of credit, 119, 125.
 Townsend, —, *major*, 76.
 Townsend, Penn, 18, 33, 37, 51, 54, 94, 128, 146, 147, 148, 149, 150, 155, 157, 162, 181, 185, 193, 202, 211; councillor, 5.
 Townshend, Charles, 9.
 Townshend, Charles, Lord President, 115.
 Trade, with eastern Indians, 123, 124, 126, 129, 131, 150, 152, 158.
 Treasurer, *see* Jeremiah Allen.
 Treasury, supply of, *see* Polls and estates.
 Truro, representatives, 4.
 Trussel, Henry, of Amesbury, petition, 169.
 Tucker, Ephraim, 193; member for Milton, 3, 86.
 Tufts, Thomas, member for Medford, 86.
 Turkey Hill, 43.
 Turner, John, 27, 34, 36, 42, 55, 59, 94, 95, 124,

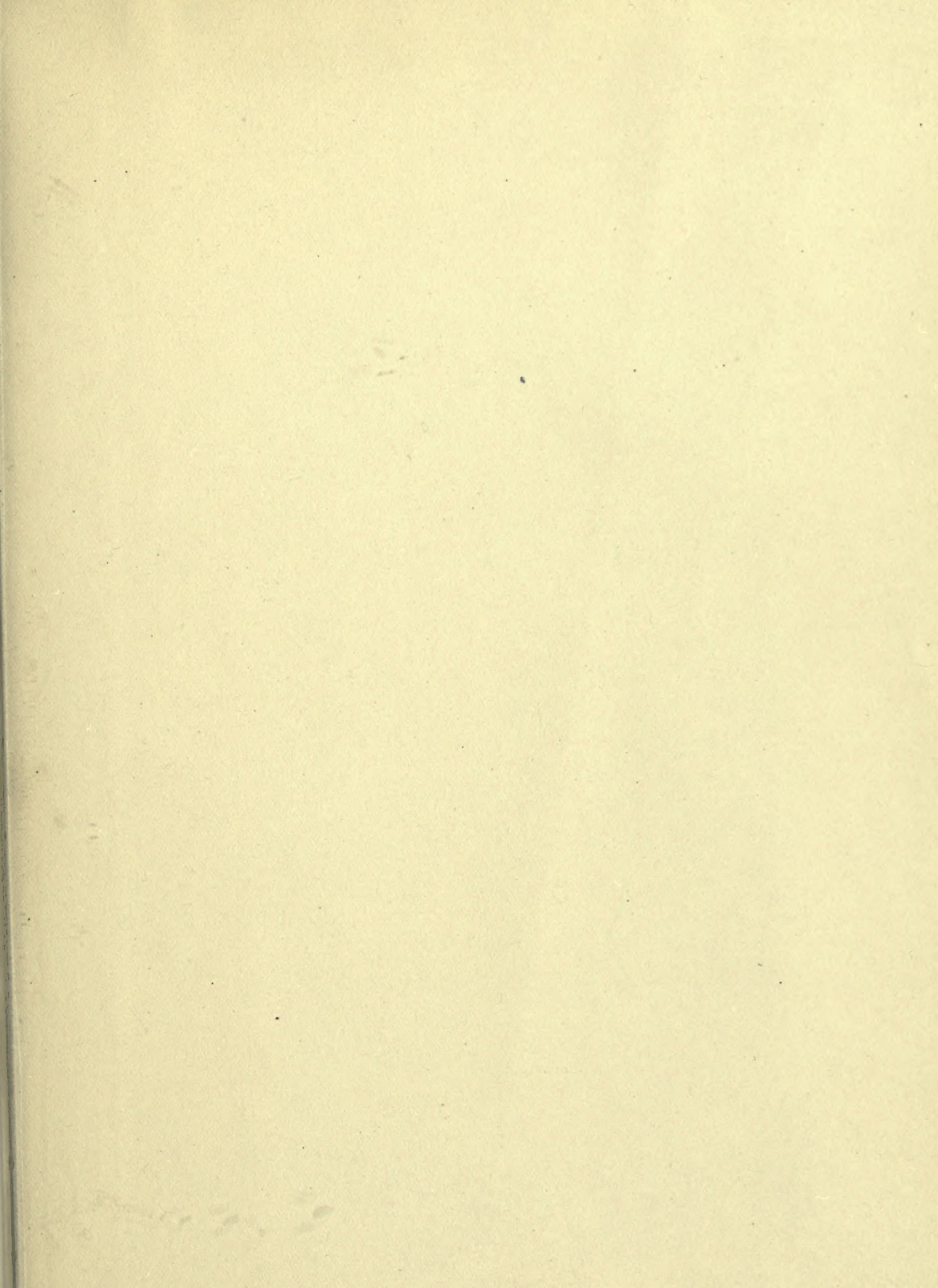
- 127, 138, 171, 172, 176, 179, 200; councillor, 5; New Hampshire, 46.
- Tuthill, Zachary, *captain*, 62, 65, 73, 172; summoned, 65; Indian hostages, 120.
- Uncachawelock pond, 24.
- Varnum, Joseph, *captain*, member for Dracut, 86.
- Vaudreuil, Philippe de Rigault, *marquis de*, 124, 189; letters to Rale, 164, 176, 188, 190.
- Votes of House, errors in printed, 105, 132, 134.
- Wachusett Hill, 22.
- Wadsworth, Joseph, memorial, 126.
- Wainwright, John, 76, 90, 94, 95, 102, 107, 113, 121, 131, 133, 136, 137, 140, 143, 146, 149, 153, 154, 159, 166, 167, 169, 171, 186, 193, 199; member for Ipswich, 3, 86; treasurer's accounts, 11, 24, 138; logs, 30, 32; civil officers, 33; hospital accounts, 37, 41; Dummer's letters, 41; excused, 47; muster-roll, 71; governor's speech, 77; reply to governor, 79, 116; removal to Cambridge, 85; Arrowsick expedition, 101; eastern Indians, 103; Salisbury prisoners, 113, 116, 124; eastern expedition, 119; Indian trade, 123; New Hampshire duties, 137; hawkers and peddlers, 144; forces at the eastward, 148; accounts, 154; supply of treasury, 163; petitions, 166; New Hampshire, 168; soldiers' pay, 170.
- Wake, William, Archbishop of Canterbury, 9, 115.
- Waldron, Richard, 208.
- Walker, David, member for Dighton, 4, 86; attendance excused, 44.
- Walpole, Robert, 115.
- Walters, Henry, *lieut.*, 201.
- Walton, Shadrach, *colonel*, 29, 62, 68.
- Waourene [Renel], 192.
- Ward, William, *captain*, 115, 172, 176; member for Marlborough, 86; survey, 113; western frontiers, 123; surveyor, 177.
- Ware, Robert, member for Wrentham, 3, 86.
- Watertown, representatives, 3, 86.
- Webb, Josiah, 201.
- Weights and measures, 180.
- Wells, 42; representatives, 4, 106; court of General Sessions, 13.
- Welsted, William, petition, 126, 175, 185, 193.
- Wenham, representatives, 3, 86.
- Westborough, representatives, 106.
- Westfield, representatives, 3, 86.
- Weston, representatives, 3, 86.
- Wetherell, Thomas, account, 103.
- Weymouth, representatives, 3, 86.
- Wheelwright, John, *colonel*, 14, 15, 25, 35; councillor, 5; York excise, 27; account, 167, 185.
- Whipple, Cyprian, petition, 184.
- Whipple, Dorothy, petition, 184.
- Whipple, Joseph, *colonel*, 22, 36.
- White, Cornelius, account, 103, 112.
- White, Edward, 66, 94, 115, 125, 134, 146, 151, 153, 168, 177, 183; member for Brookline, unseated, 6; re-elected, 18, 86; excise commissioner, Suffolk county, 96, 102; petitions, 166; smallpox by inoculation, 178.
- White, William, charge against officer, 171.
- Whitman, John, 169; member for Stow, 3, 86.
- Whittemore, Benjamin, Lancaster land, 10.
- Wilkinson, John, 201.
- Willard, Benjamin, 200.
- Willard, Josiah, Secretary, 4, 6, 7, 8, 9, 16, 17, 21, 28, 32, 37, 38, 43, 44, 49, 50, 53, 56, 59, 65, 68, 69, 70, 71, 73, 77, 79, 92, 94, 102, 105, 108, 111, 112, 116, 120, 122, 123, 124, 126, 127, 134, 136, 137, 139, 142, 147, 148, 150, 153, 155, 158, 160, 162, 163, 167, 169, 170, 171, 174, 178, 179, 193, 200, 202, 211, 214; copy of records, 33, 35; account, 129, 172; petition, 144; allowance, 144; index to laws, 175.
- Willard, Samuel, account, 157.
- Wilson, William, 78, 125, 151; member for Concord, 3, 86; monitor, 7, 90; Drury petition, 21; land viewer, 22; Quakers, 28; Salisbury taxes, 42; trial of Castine, 178; Sudbury meeting-house, 184.
- Wines, excise on, 10, 11, 16, 18, 22, 27, 59.
- Winipischook Ponds, 20.
- Winslow, Edward, sheriff, accounts, 115, 121, 154, 156, 172, 213; memorial, 211.
- Winslow, Isaac, 18, 20, 27, 105, 126, 129, 176, 185, 188, 193; councillor, 5.
- Winslow, Joseph, member for Swansey, 4, 86; Merrimack survey, 15; excise commissioner, Bristol county, 96, 102.
- Winthrop, Adam, councillor, 5; petition, 140, 164.
- Winthrop, John, lead mine, 24.
- Winthrop, Wait, 26.
- Wissememet, degraded chief, 192.
- Witherell, Thomas, 112.
- Witington, *see* Writington.
- Witnesses, appearance obliged, 51.
- Woburn, 212; representatives, 3, 86.
- Woconconick, John, Indian, 28.
- Wodden, John, of Salem, petition, 10, 36, 166.
- Wood, John, 180.
- Woodel, Gershom, member for Tiverton, 86.
- Woodstock, objection to return, 6; representatives, 86; taxation of land, 13.
- Wooenuged, 152, 158.
- Worcester, meeting-house, 11, 35, 172, 174; petition, 43; scouts, 129, 143.
- Wrentham, representatives, 3, 86.
- Writington, Margaret, of Newport, petition, 179, 195, 196.
- Yarmouth, representatives, 4, 106.
- York, 42, 197, 205; representatives, 4, 86; removal of court, 13; excise returns, 22, 25, 26, 27, 49; treasurer's account, 26; excise commissioner, 34; logs, 154; waste of timber, 157, 159, 160.

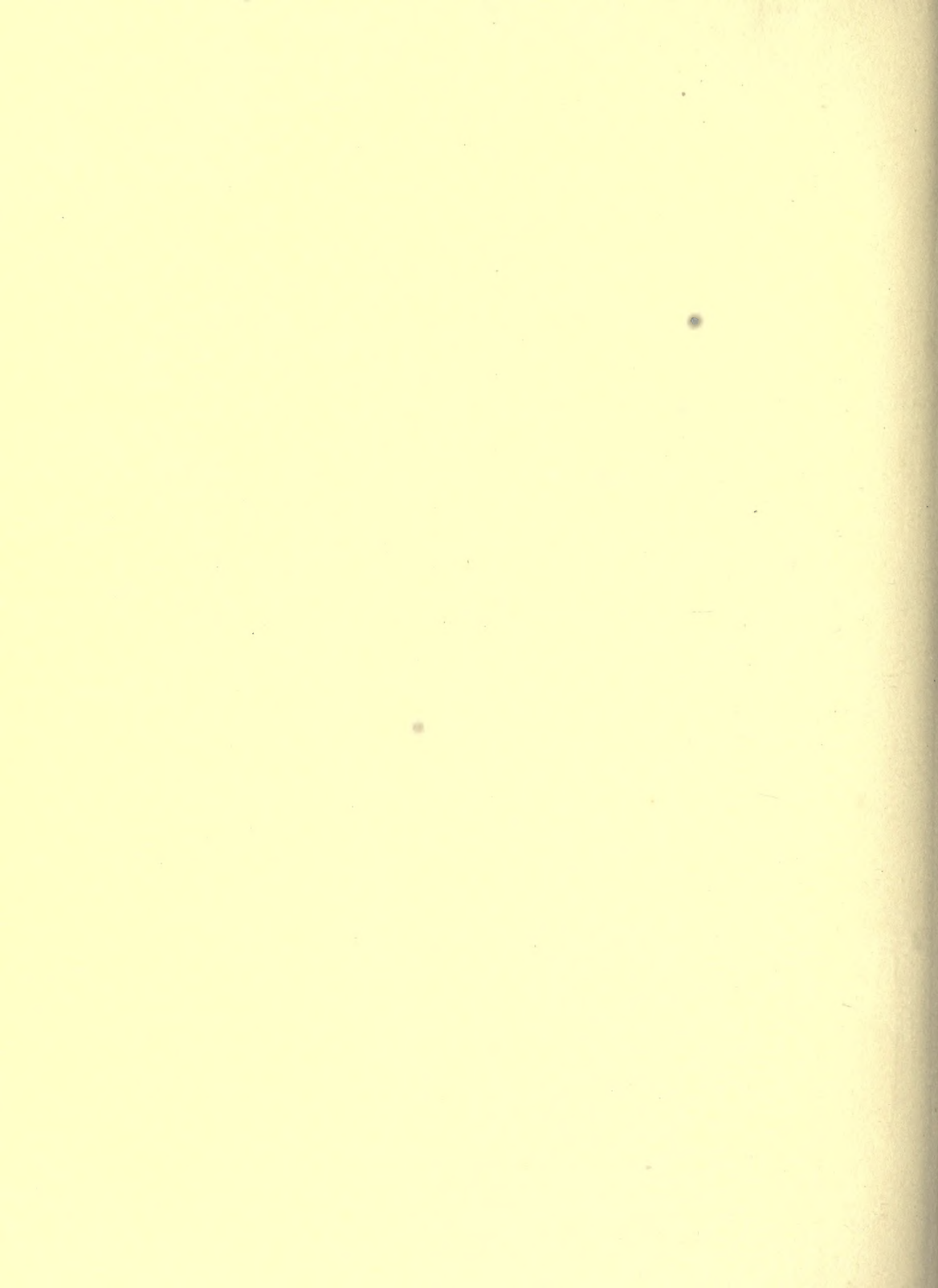


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